

HERITAGE PRESERVATION COMMISSION TRAINING MANUAL



State of Minnesota
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Special thanks to the partner communities in this project: Stillwater, Eden Prairie and Mankato.

Acknowledgements

Many people provided invaluable assistance on this project. The following individuals contributed to the development of the tutorial:

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INTRODUCTION

Welcome!

Heritage Preservation Commissions (HPCs), serving as part of local governments across the state, play invaluable roles in promoting the active, respectful use of historic resources and districts. They help to preserve the records of our heritage and to promote livable, vital places throughout the state.

As of September 2016, Minnesota had 57 municipal, township and county jurisdictions with HPCs established under state enabling legislation. Of these, 21 are located within the greater Minneapolis-St. Paul metropolitan area. Many other commissions are concentrated in the river valleys and communities in the southern portion of the state, but others can be found in all parts of Minnesota. The communities in which commissions operate vary greatly in terms of their size, demographics, financial capacity, regulatory framework and the resources of the built environment that they work to protect. They also vary to some degree in the ways in which the commissions operate, in terms of the basic tools they use, including their ordinances, surveys and design guidelines. Even so, there are many similarities and lessons learned that can be shared.

This manual is a reference and training resource for Minnesota's Heritage Preservation Commissions, their staff, elected officials and others who are interested in how historic preservation operates at the local government



USER NOTES

Some important notes when using this guide:

The terms “Historic Preservation Commission” and “Heritage Preservation Commission” are used interchangeably- understanding the title for each body will vary depending on the local ordinances in each jurisdiction.

Although this tutorial provides legal explanations and cites legal authorities, it should not be relied on as a source of legal advice. Members and staff of historic preservation commissions are advised to obtain legal opinions from their county or municipal attorneys should questions arise.

In addition to this training tutorial, the Minnesota Historical Society provides a full range of materials to assist local commissions in doing their jobs. Refer to www.mnhs.org for a list of publications and video materials.

level. It offers an overview of the key components of a preservation program that commissions use in executing their duties. It is published in the interest of enhancing the performance of preservation work of local governments and to help others understand how to support these programs.

The manual introduces a foundation of basic preservation principles, operating procedures and practical advice that will help new commissioners understand the realm in which they will operate; at the same time, it will help experienced commissioners refine their skills regarding basic concepts, common terminology and core principles of preservation practice. It also provides an insight into local preservation systems for elected officials and members of other boards (such as planning commissions) who are interested in how HPCs operate. Zoning and building code officers, community development directors and Main Street managers will also benefit from the material, since their duties often bring them into contact with HPCs.



About The Manual Organization

The manual is designed to be informative, while covering a wide range of material. It serves as a companion piece to an online tutorial for heritage preservation commissioners, which provides a more abbreviated introduction to the same topics. It first presents an overview of how the preservation movement evolved in the United States and within Minnesota. Then, it introduces the basic components of a program, including the legal basis for preservation, the ways in which historic resources are identified and then officially designated. It then addresses the ways in which meetings should be conducted, including design review. Later chapters then return to legal and design topics, to explore some of the more frequently occurring questions related to these areas.

Both the manual and the online tutorial follow the same organizational structure. They also are designed in modular formats that can be built upon over time as further topics are introduced.

Readers will note that some topics appear in more than one chapter, resulting in some repetition. This is intentional. It reflects the integrated nature of the various components that are associated with operating a preservation program at the local level. While many related elements are grouped under one broad section within a single chapter, others appear in more than one place. For example, the use of historic resource surveys is discussed in the section related to identifying resources, but also in the sections addressing designation, design review and legal issues. In each of those locations the treatment of that topic varies somewhat, in that it is tailored to the broader topic at hand. In this way, a user who is only reading one chapter for a specific topic will see its relationship to other material presented elsewhere in the training materials.



USER NOTES

Photographs throughout this manual are not always captioned, but show a wide variety of historic resource types, historic documents and public meetings regarding historic resources, from a range of communities across the state of Minnesota.



The Need for Training Materials

Continuing education is the foundation of a strong heritage preservation commission. Not only must commissioners be equipped to fulfill their statutory roles in a responsive and sensitive way, they must also provide leadership for the historic preservation movement at the local level. In order for commissions to effectively carry out their legislative functions and serve as preservation advocates, they must be viewed as credible, trustworthy and valuable. They must be able to operate in a professional manner and answer basic questions about preservation theory and operations. They also must demonstrate sound decision-making to maintain public trust and confidence. For these reasons, ongoing training is needed on a variety of topics, from preservation basics to more advanced technical issues. The manual and the on-line training course are provided in response to these needs.

Moreover, as the field of historic preservation is always evolving, commission members must constantly pursue educational opportunities that enable them to continue to fulfill their duties faithfully and capably. Informed commissioners render more impartial and consistent decisions. They also serve as stronger advocates for local heritage and ultimately bring credit to their commission and to the preservation movement in general.

HPCs may struggle with technical issues related to program activities as well as questions of how to operate efficiently, sometimes with limited staff and short deadlines. They also seek to build a broader base of support by expanding their understanding of operating principles and procedures among the community at large. They also sometimes are challenged with what may appear to be conflicting policies with other local regulations that may create tension between historic preservation and broader community planning objectives.

All new commissioners are strongly encouraged to complete the course, while more experienced commissioners may use the tutorial as a refresher on specific topics. Commissioners, both new and old, can benefit from training on a variety of topics, from preservation basics to more

advanced technical issues, to carry out their legislative functions and to serve as effective preservation advocates. This requires that commissioners possess a depth of knowledge that enables them to explain to others the importance of heritage preservation.

How the Training Materials Were Developed

Critical concepts, legal terminology and preservation principles that commissioners must know were identified by commissioners and staff with “on the ground” insight and incorporated into the training curriculum. Stillwater, Eden Prairie and Mankato functioned as the partner communities, providing information and common experiences of Heritage Preservation Commissions that helped to inform this process and the subsequent materials. Planning staff from these three communities were also key leaders in this process. Excelsior, Red Wing, St. Paul and Minneapolis were interviewed in this process. Finally, numerous communities throughout the state of Minnesota functioned as research communities in which information was collected from their websites and staff to gain a better understanding of how historic preservation works in individual communities throughout the state.

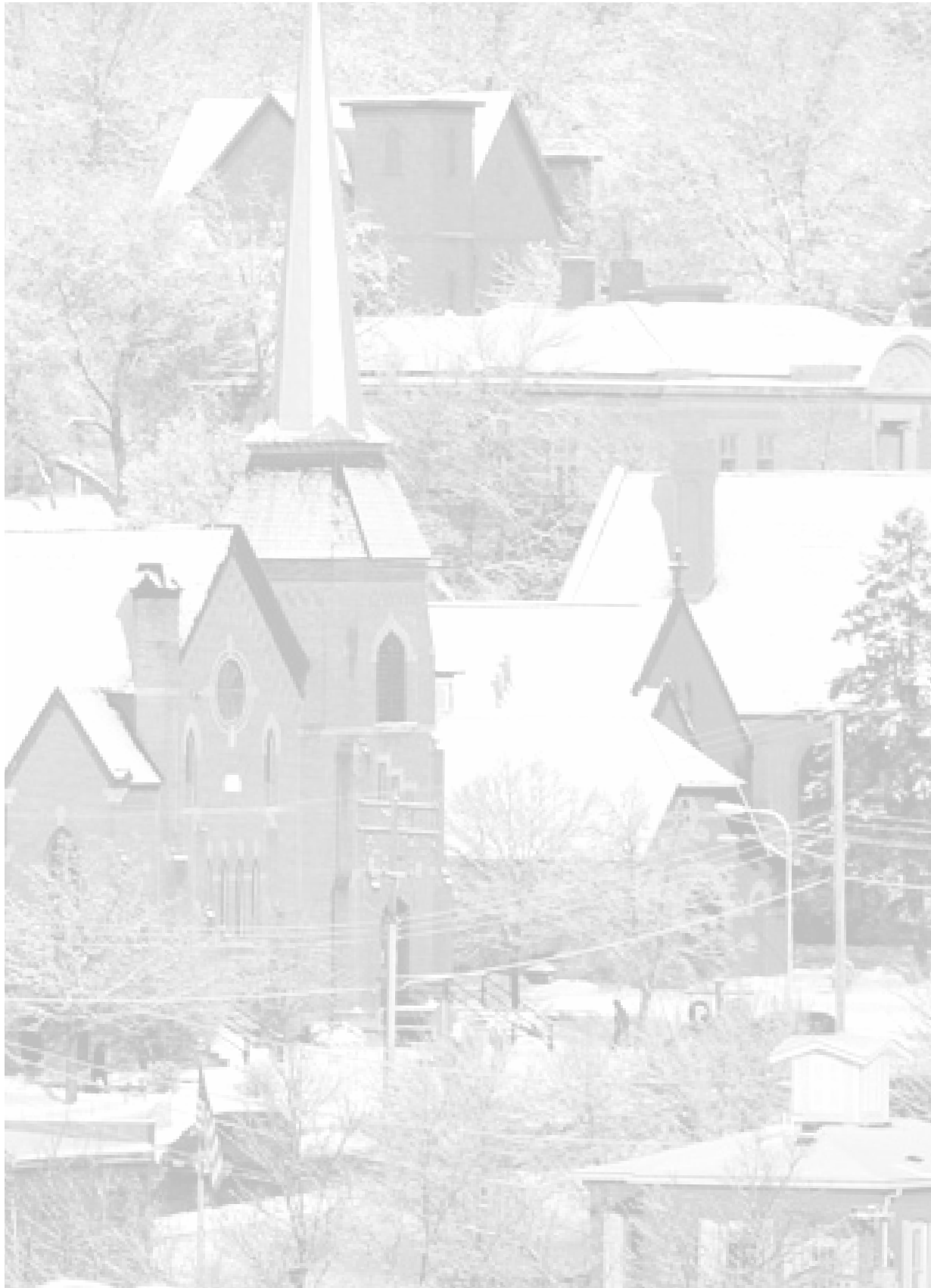
Funding For This Project

This project has been financed in part with funds provided by the State of Minnesota from the Heritage Partnership Program Arts and Cultural Heritage Fund of the Clean Water, Land and Legacy Amendment to the Minnesota Constitution, through the Minnesota Historical Society. The program’s goal is to build capacity of eligible applicants to preserve and enhance access to Minnesota’s history and cultural resources by supporting the creation and development of sustainable, history-based partnerships through the state. This project was also completed in partnership with the communities of Stillwater, Eden Prairie and Mankato.



NOTE:

Links in this document are interactive. You may click on the link to be redirected to the website provided. However, in some cases these weblinks may be broken. Titles of the weblinks are intended to assist in searching for the documents if the link provided is inactive.



CHAPTER 1: WHY ARE WE HERE?

A Starting Question

Let's say you've just been invited to apply for a seat on the Heritage Preservation Commission in your community. You are certainly interested, but you need more information:

- What is this all about?
- What does "preservation" mean?
- And what is the role of a preservation commissioner?

This chapter answers those questions, provides an overview of some basic terms related to the movement and outlines the reasons that communities operate preservation programs.

In This Chapter:

- A. Introduction
- B. Why Do We Preserve Historic Resources?
- C. What Does Preservation Mean?
- D. What is a Historic Property?
- E. What Are Our Goals for Preservation?
- F. How Did We Get Here?
- G. Role of the Commission
- H. Preservation Benefits
- I. Preservation Incentives

WELCOME!

Welcome to the Minnesota Statewide Training Program!



Preservation commissioners serve an essential role in promoting preservation and use of historic resources throughout Minnesota.



A. Introduction

With Heritage So Rich

In 1966, a Special Committee on Historic Preservation for the U.S. Conference of Mayors explored the issue of heritage conservation in America. Their report, titled *With Heritage So Rich*, sparked adoption of the National Historic Preservation Act that year. In its introduction, author Sidney Hyman set forth fundamental reasons for preservation that remain just as valid today:

“What we want to conserve, therefore, is the evidence of individual talent and tradition, of liberty and union among successive generations of Americans. We want the signs of where we came from and how we got to where we are, the thoughts we had along the way, and what we did to express the thoughts in action. We want to know the trails that were walked, the battles that were fought, the tools that were made. We want to know the beautiful or useful things that were built and the originality that was shown, the adaptations that were made and the grace-notes to life that were sounded. We want to know the experiments in community living that were tried and the lessons that were taught by a brave failure as well as by a brave success.”

B. Why Do We Preserve Historic Resources?

We preserve historic resources for these reasons:

- Preservation honors our diverse heritage.
- Preservation supports sound community planning and development.
- Preservation maintains community character and supports livability.
- Preservation supports sustainability in our communities.
- Preservation keeps historic resources for the benefit of future generations
- Preservation supports economic development

C. What Does Historic Preservation Mean?

While we all talk about “preservation,” we don’t often define it. Fundamentally, preservation means keeping historic properties and places in active use while accommodating appropriate improvements to sustain their viability and character. It also means keeping historic resources for the benefit of future generations. That is, while maintaining properties in active use is the immediate objective, this is in part a means of assuring that these resources will be available for others to enjoy in the future.

Preservation is also about managing change, not freezing historic properties or districts in time. It is not simply about maintaining a historic appearance, but about maintaining authenticity, where possible. In addition to maintaining the historic appearance, this means that preserving original materials and craftsmanship of historic properties is also of extreme importance.

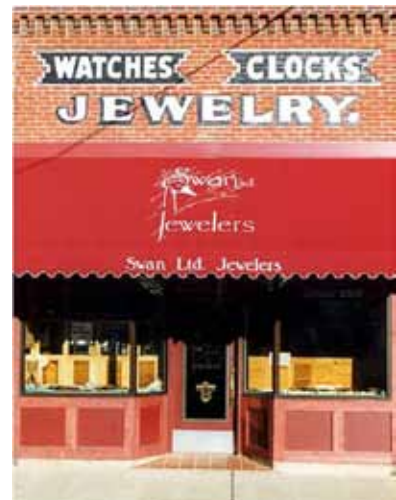
Historic preservation encompasses the breadth of activities aimed at preserving national heritage as represented by a wide variety of cultural resources. Preservation can include: acquisition, development and adaptive use of historic properties; comprehensive planning; research of historic contexts; survey, inventory, evaluation and designation of historic properties; management, including treatments such as preservation, stabilization, rehabilitation, restoration and reconstruction; and education and interpretation.

Preservation also is about being “green.” For a more detailed description about preservation and green building, see Chapter 8.

MINNESOTA PRESERVATION PLAN

Refer to the Minnesota Preservation Plan for more information on preservation goals for 2012-2017.

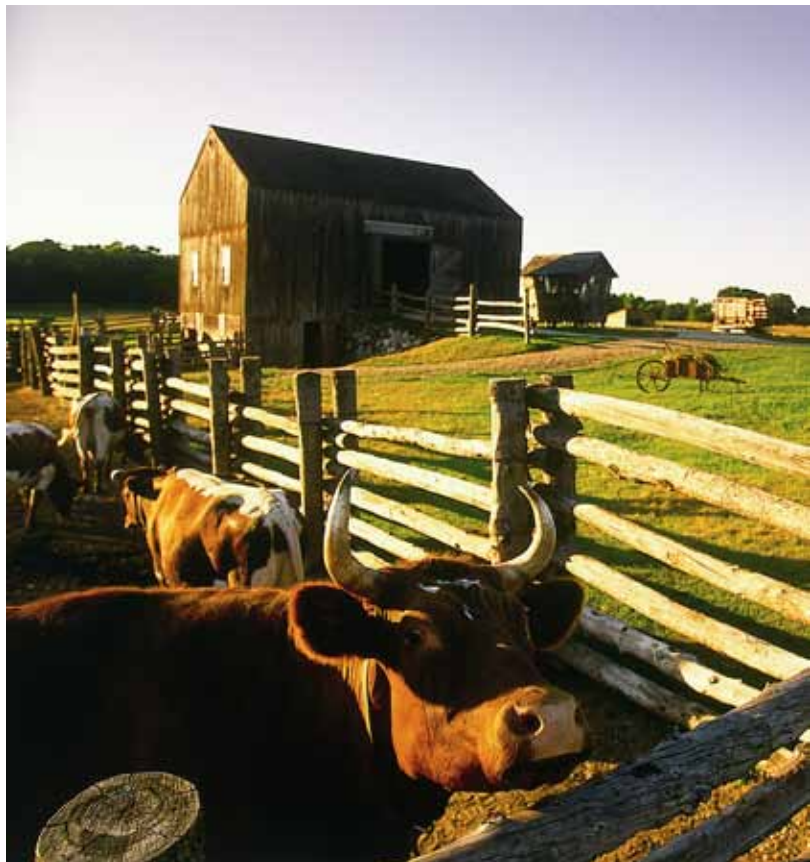
http://www.mnhs.org/shpo/planning/docs_pdfs/preservation-plan_2012-2017.pdf





D. What is a Historic Property?

In preservation terms, a “property” may be a prehistoric or historic site, building, structure, district or object that has been determined to have historic significance, by applying criteria that are adopted by the governing body. Generally a historic property is one that is associated with an activity or person of importance in the community’s history, or that represents a noteworthy designer, or a type of building construction that is important in the area’s history. More information about historic properties, significance and integrity can be found in Chapter 2.



E. What Are Our Goals For Preservation?

National Historic Preservation Act of 1966

Goals for preservation are outlined in the National Historic Preservation Act of 1966. While crafted for federal agencies, they also reflect objectives for local governments in Minnesota. As stated in the preamble of the NHPA:

“The Congress finds and declares that —

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation’s heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development...”





MINNESOTA PRESERVATION PLAN

Refer to page 24 of the Minnesota Preservation Plan for more information on preservation goals and strategies for 2012-2017.

http://www.mnhs.org/shpo/planning/docs_pdfs/preservation-plan_2012-2017.pdf

Minnesota Preservation Plan Goals

The Minnesota Statewide Historic Preservation Plan provides the overall framework for the historic preservation goals of all of Minnesota's preservation partners. With the preservation community united in its stewardship of Minnesota's resources, several goals are outlined in the document:

1. Create statewide awareness of and appreciation for the value of Minnesota's historic resources.
2. Encourage integration of historic preservation at all levels of planning.
3. Expand the statewide network of organizations and individuals engaged in historic preservation.
4. Promote historic preservation as an economic development tool and provide economic incentives that encourage it.
5. Identify, evaluate and designate significant historic and archaeological resources.
6. Encourage appropriate management and treatment of historic resources.
7. Preserve the places that matter: Increase the identification, designation and protection of Minnesota's historic and archaeological resources.
8. Promote preservation's economic benefits: Strengthen the connections between historic preservation, community economic vitality and sustainability.
9. Educate, educate, educate: Build a foundation for effective preservation education and activism.
10. Increase diversity in Minnesota's historic preservation community: Include participants who reflect the breadth of the state's racial/ethnic groups, geography, income levels and ages.
11. Lead the way: Develop leaders at all levels to strengthen Minnesota's preservation network.

F. How Did We Get Here?

Historic preservation activities are undertaken by a broad and interconnected web of federal, state, and local agencies both in the governmental and private sectors. This network evolved from a small group of private organizations dedicated to the preservation of individual properties and expanded into a larger system of government protectors and local advocates. Active preservation of historic resources has a longstanding heritage in America. It is a time-proven tool.

This section summarizes some of the events in the preservation movement that have led us to the current state, beginning with early actions at the local level and then progressing to state and federal ones leading up to the adoption of the National Historic Preservation Act and subsequent related laws, including the federal tax credit act.



Private Preservation Organizations

Early preservation activities focused on individual properties within a city or region. Such efforts include:

1853: Mount Vernon Ladies' Association

Created by Ann Pamela Cunningham to save the home of George Washington, the Mount Vernon Ladies' Association of the Union served as a model for other preservation projects and organizations that have followed

1910: Society for Preservation of New England Antiquities

Established to preserve individual properties of noteworthy significance, focusing on Boston and other cities in New England

1975: Rivertown Restorations

Founded in 1975 by Stillwater citizens with the concern about the loss of Stillwater's historic structures, city heritage and architecture

1981: Preservation Alliance of Minnesota

Formed in 1981 by citizens concerned with the long-term protection of historic places



Early Local Preservation Ordinances and Actions in the United States and in Minnesota

While private associations were forming to preserve individual properties of historic value, no local government had passed a regulation requiring preservation of local landmarks, and indeed districts, until Charleston, SC enacted its first ordinance in 1931. These local designations came about from a long-term growing concern that we were losing historic properties that are of importance to us. In the 1970s, several governments in Minnesota adopted ordinances that established local preservation commissions and provided for designating and protecting historic properties.

1931: Charleston, SC

The first local preservation ordinance in America

1936: Vieux Carré, New Orleans

Established by the state legislature to protect the French Quarter

1936: Boston, MA

Also established by the state legislature, becoming the 15th local preservation act

1969: State of Minnesota

Minnesota State Historic Preservation Office created by state statute

1972: Minneapolis, MN

Heritage Preservation Ordinance

1976: Saint Paul, MN

Heritage Preservation Commission created by city ordinance

1981: Faribault, MN

Heritage Preservation Ordinance

1985: Faribault, MN

Minnesota's first Certified Local Government

State Level Activity

Officials soon recognized the need for a state-chartered office to promote preservation. Early preservation efforts by the state were actions on a case-by-case basis as a result of citizen advocacy to save specific resources.

Section 471.193 “Municipal Heritage Preservation” of the Minnesota Statutes

The legal foundation for preservation programs in most local governments in Minnesota is established in Section 471.193 of the Minnesota Statutes which deals with a host of matters related to planning and zoning, including historic preservation. It provides the legal foundation for authorizing local governing bodies to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure and enrichment of the citizens of the state. Section 471.193 defines that commissions may address these actions:

- Survey and Designation
- Construction
- Alteration
- Demolition
- Other duties that may be delegated by the governing body

Minnesota Environmental Rights Act

The Minnesota Environmental Right Act (MERA) provides the right to protect “natural resources,” which includes historic resources. This act enables persons or governments with the right to sue in order to prevent action that may harm protected resources.

2016: 57 Heritage Preservation Commissions in Minnesota

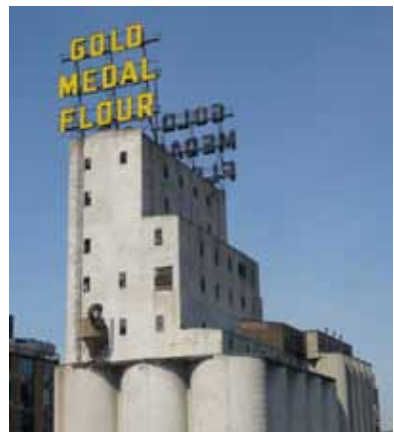
- 44 are Certified Local Governments

FOR MORE INFORMATION:

For more information and links to Federal and State preservation legislation visit:

Minnesota SHPO: Preservation Legislation

<http://www.mnhs.org/shpo/review/legislation.php>



MINNESOTA HISTORICAL SOCIETY

As its fifth official act, Minnesota Territory’s pioneer legislature established the Minnesota Historical Society in 1849.

Key Preservation Players in Minnesota

	Governmental	Private Sector
National Level	National Park Service (NPS) - National Register of Historic Places	National Trust for Historic Preservation
	Advisory Council on Historic Preservation - Section 106 compliance	National Alliance for Preservation Commissions
State Level	Minnesota State Historic Preservation Office - Identify, evaluate, register and protect Minnesota's historic properties - Develop local history organizations and activities - Assist government agencies in historic preservation responsibilities	Minnesota Historical Society
	Minnesota Office of the State Archaeologist	Preservation Alliance of Minnesota
Local Level	Local Heritage Preservation Commissions	Historical Societies
		Local Advocacy Organizations



Federal Preservation Activity

Over the years, many federal actions have contributed to the preservation movement, while others sometimes created threats to older and historic properties. Some key dates are:

1889: Goodman Point Cabinet Order

This Department of the Interior order withdrew the area surrounding Goodman Point Pueblo (Hovenweep National Monument, Montezuma County, Colorado) from homesteading. This was the first federal action to protect archaeological resources in the United States of America.

<http://www.nps.gov/hove/planyourvisit/goodman.htm>

1906: American Antiquities Act (16 U.S.C. 431-433)

This law protects archaeological and paleontological resources on federal land from appropriation, injury or destruction. It establishes a permit system and penalties, orders collections placed in museums, enables rule making and authorizes the creation of National Monuments.

<http://www.nps.gov/history/local-law/anti1906.htm>

1935: National Historic Sites Act

The National Historic Sites Act of 1935 established the National Historic Landmarks (NHL) program and authorized the Secretary of the Interior to administer it. The program recognizes nationally significant buildings, sites and objects that represent the prehistory and history of the United States and to encourage their long-range preservation.

1949: Housing Act of 1949 and the 1954 Housing Act

Title One of the Housing Act of 1949 kick-started the “urban renewal” program that would reshape American cities. The Act provided federal funding to cities to cover the cost of acquiring areas of cities perceived to be “slums”. This increased pressure to demolish older properties, including those of historic significance. The Housing Act of 1954 established urban renewal, which encouraged demolition of older neighborhoods to construct new housing by among other things, providing FHA-backed mortgages.





1956: Federal Aid Highway Act

Popularly known as the National Interstate and Defense Highways Act, the legislation empowered state and federal governments to acquire rights-of-way for highways throughout America, often impacting older neighborhoods.

1966: National Historic Preservation Act

In 1966, Congress passed the National Historic Preservation Act which created the National Register of Historic Places, established grant programs for restoration projects and survey activity, and required review of federally funded, licensed and permitted projects for impacts on historic properties. The act also provided that each state, tribe and territory should establish a State Historic Preservation Officer to help administer the law in their individual jurisdictions, and the Advisory Council on Historic Preservation to serve as a presidential and congressional advisor on historic preservation matters.

1969: National Environmental Policy Act

While this legislation focused on ecology and biological resources, it came to influence procedures used to identify, designate and protect historic resources as well, and when some states adopted their own state level equivalents, they sometimes included cultural resources.

1976: Tax Reform Act

Provides for tax incentives to encourage preservation of commercial historic resources and a 60-month accelerated depreciation of certain rehabilitation costs for certified historic properties as well as a deduction for preservation easements.

1976: American Revolution Bicentennial

The Bicentennial spurred new interest in history and historic properties. This period saw a surge in local governments establishing preservation commissions.

1979: Archaeological Resources Protection Act (Public Law 96-95 as amended, 16 U.S.C. 470aa-mm):

This law defines archaeological resources, improves law enforcement, increases criminal penalties for harm or destruction of resources and allows for civil penalties. It also encourages increased cooperation between the public, professional archaeologists, and government authorities.

http://www.nps.gov/history/local-law/FHPL_ArchRsrcsProt.pdf



1980: Certified Local Government Program

The Certified Local Government Program (CLG) is a preservation partnership between local, state and national governments focused on promoting historic preservation at the grass roots level. Established as an amendment to the National Historic Preservation Act, the program is jointly administered by the National Park Service (NPS) and the SHPOs in each state, with each local community working through a certification process to become recognized as a CLG. CLGs then become an active partner in the Federal Historic Preservation Program and the opportunities it provides.



2006: Preserve America Summit

Held in New Orleans, this gathered leaders from across the nation to chart a strategy for preservation efforts nationwide.

2016: 50th Anniversary of the National Historic Preservation Act



G. Role of the Commission

How do local commissions fit into the state's heritage preservation system? Clearly, local governments were pivotal in creating the preservation movement, and thus commissioners play a crucial role in promoting good stewardship and the active use of historic properties.



The official roles and responsibilities are defined in local ordinances, but in general, commissions help to identify historic resources by sponsoring surveys and then promoting their recognition by publishing inventories of the resource results. They often will then work to have some of these resources designated as official landmarks and districts through local ordinances. Once properties are designated, alterations and improvements are reviewed for appropriateness by the commissions.



In addition to these formal administrative and regulatory roles, commissions work to promote good stewardship by sponsoring educational programs that build awareness of heritage and enhance skills in rehabilitation techniques. Other commission activities may include managing a markers program, presenting awards for meritorious preservation work and staging special events that highlight historic resources.

Commissions also build partnerships with other allied groups and individuals, such as the Main Street program, economic development offices and local historical societies to promote appreciation of historic resources and to encourage their continued use.

More information about commission roles, partnerships and specific programs are included throughout this manual.

H. Preservation Benefits

Minnesota's historic resources provide tangible links to the past, which enriches our sense of identity and the value of place. They also contribute to several key community objectives including economic development, environmental sustainability and livability.



Other benefits are less tangible, but nonetheless valuable. The scale and texture in the detail of historic buildings enrich our communities. Experiencing historic buildings also fosters civic pride, and in turn encourages citizen involvement in the community. This promotes improvement of personal property, and active engagement in our cities and towns. It is a means of fostering good citizenship.

The state's historic resources are essential components of Minnesota's identity. They enhance quality of life, economic vitality and environmental sustainability. Investment in these assets ensures that the social, cultural and economic attraction of the state is maintained and enhanced.

Economic Benefits

The economic benefits of investing in historic properties is well-documented. Because historic properties are finite and cannot be replaced, they can be precious commodities. Preservation therefore adds value to property. Other benefits center on rehabilitation projects and on the income generated by heritage tourism.



Historic Rehabilitation Projects

Direct and indirect economic benefits accrue from rehabilitation projects. Direct impact refers to the actual purchases of labor and materials, while indirect impact can be defined as expenditures associated with the project, such as manufacturing labor. These can be added to create the "total" impact. Preservation projects are generally more labor intensive, with up to 70% of the total project budget being spent on labor, as opposed to 50% when compared to new construction. This means that more of the money invested in the project will stay in the local economy and not be used towards materials and other costs manufactured or sourced outside the community. Furthermore, a rehabilitation project will provide functional, distinctive and affordable space for new and existing small businesses.



This is especially relevant to the local economy where many local businesses operate in historic buildings.

Heritage Tourism

Heritage tourism is another benefit of investment in historic preservation, as people are attracted to the cultural heritage sites within Minnesota. These resources provide visitors a glimpse into history and its contribution to state and national history. Cultural heritage tourism means traveling to experience the places that authentically represent the stories and people of the past and present. It includes cultural, historic, and natural resources. Heritage tourists spend more dollars on travel than other tourists. Heritage tourism also stimulates employment in hotels, bed and breakfasts, motels, retail stores, restaurants and other service businesses. Explore Minnesota provides more details: <http://www.exploreminnesota.com/index.aspx>

Economic Vitality

Historic preservation is a key factor in maintaining and enhancing local economies. The revitalization of Main Street has played a large role in preserving and reinvigorating historic downtowns and neighborhood commercial districts. The variety of strategies taken on by the Main Street Program have earned it a reputation as one of the most powerful economic revitalization tools in the nation, with over \$65.6 billion in reinvestment; 126,476 new businesses; and 260,011 buildings rehabilitated since 1980.

Environmental Benefits

Sustainable development and the conservation of resources are inherent central principles of historic preservation. Sensitive stewardship of the existing building stock reduces our environmental impact. Preserving and adapting a historic structure is sound environmental policy in all respects. In basic terms, re-using a building preserves the energy and resources invested in its construction, and removes the need for producing new construction materials.

Embodied Energy

Embodied energy is defined as the amount of energy included to create the original building and its components. Preserving a historic structure retains this energy.

Investment studies confirm that the loss of embodied energy associated with the replacement of an existing, unimproved building would take three decades or more to recoup from the reduced operating energy costs in a new building. Wood, stone, brick, and glass all manifest the energy investment of their creation and the energy invested in building construction. If demolished, this investment in embodied energy is lost and significant new energy demands are required to replace it. In addition, according to the Environmental Protection Agency, building debris constitutes around a third of all waste generated in the country. This can be reduced significantly if historic structures are retained rather than demolished.



Sustainable Building Materials

Historic building construction with the durable traditional materials of wood, stone, and brick were built for longevity, in a manner that allows for repairs to be conducted easily.

The sustainable nature of historic construction is best illustrated by the design and construction of a window. Historic windows can be repaired through reglazing and the patching and splicing of wood elements. Contemporary windows are often difficult to repair, with replacement as the only option. If a seal is disturbed in a vinyl window, the best approach is to replace that particular window, rather than repair the part, as is the case for a historic wood window. Older windows were built with well seasoned wood from stronger, durable, weather resistant old growth forests.

Building Energy Savings

Energy savings are not usually achieved by replacing original building fabric with contemporary alternatives. Repair and weatherstripping or insulation of the original elements is more energy efficient and much less expensive. As much as 50% of the energy lost from a house is from air infiltration through the attic, uninsulated walls, and around the windows and door cavities, and not through the glazing of windows and doors. Proper caulking and insulation around windows and doors, combined with adding insulation in attic space, will save energy at a higher rate than by replacing single paned wood windows with double or triple paned alternatives.



As governments across the state develop more focused sustainability programs, the environmental benefits of preserving historic building materials will become even more important. It is essential that preservation advocates actively participate in policy development along these lines.

Smart Growth

Historic preservation supports Smart Growth principles. It reduces the demand for creating new building materials, and “recycles” existing materials in place. In addition, historic neighborhoods and downtowns are pedestrian, bicycle and transit-friendly, reducing the need for automobile trips. Frequently developed with a mix of densities and uses, these neighborhoods and communities offer residents the option to walk or take transit to work, school, shop or play. Historic communities can provide needed housing for all income levels. Without developing new infrastructure, historic properties may be rehabilitated and updated at lower costs than building in new suburban tracts. Through new businesses, shops, and housing in existing buildings, the local tax base is enhanced while the use of existing infrastructure is maximized.

Livability Benefits

All of these benefits add up to an enhanced quality of life for residents. This equates to a livability factor that is highly valued. Living in walkable neighborhoods with convenient goods and services are often qualities of historic downtowns and older neighborhoods.

Building Strong Communities

Designation of local historic districts stabilizes and strengthens neighborhoods by protecting their character, typically enhancing property values as a result. Preservation programs also foster community pride, learning and creativity, thus making historic neighborhoods desirable places to live and work. Beyond protecting history and improving aesthetics, preservation also creates cultural vitality and defines community identity, which helps communities attract visitors and engage volunteers.

I. Preservation Incentives

Many incentives exist for preservation of historic properties. Many of these are financial while some focus on providing technical assistance. A variety of incentives are presented below.

Federal Financial Incentives and Programs

One of the ways the federal government encourages the preservation of historic buildings is through federal tax laws that benefit qualifying historic preservation projects. A project may qualify for a 20-percent investment tax credit if:

- It involves rehabilitation of a certified historic building used for income-producing purposes;
- The rehabilitation work follows the Secretary of the Interior's Standards for Rehabilitation; and
- The project receives preliminary and final approval from the National Park Service.

Property owners, developers and architects must apply for the tax credit through the Minnesota SHPO and are encouraged to work with SHPO staff to ensure that appropriate rehabilitation measures are followed. The SHPO then passes its recommendations on to the NPS for approval.

Certified Local Government Program (CLG)

CLG status enables the local government to apply for federal matching grants to preserve historic properties. This local-state-federal partnership encourages the integration of historic preservation into local government policy.

Low-Income Housing Tax Credit

The Tax Reform Act of 1986 allows for the acquisition and rehabilitation of low-income housing by providing different levels of tax credit depending on the scope of the project and any other federal funding involved. Property owners have 15 years to bring the project into compliance by making some or all units available on an income restricted basis.



The Minnesota Historical Society provides information on tax credits for historic structure rehabilitation and more on their website.

FOR MORE INFORMATION:

More information regarding incentives for the preservation of historic properties can be found at:

<http://www.mnhs.org/shpo/grants/>

A funding match is not required at any level in the Minnesota Historical & Cultural Heritage Grants program. Match, however, is always encouraged; in fact, it is listed as an additional criterion for evaluating grant applications. Demonstrated match is one indicator of local buy-in and commitment to a project. A match also demonstrates a community's investment in seeing a project through to completion.

Minnesota Historic Structure Rehabilitation State Tax Credits

The Minnesota Historic Structure Rehabilitation Tax Credit offers a 20% state tax credit for qualified historic rehabilitations, and parallels the existing federal rehabilitation tax credit. It also offers project investors an option of a grant in lieu of a credit, whichever option best suits a developer's tax situation, in order to maximize the efficiency of the public dollars assisting the project. The program requires an application with the State Historic Preservation Office before project work begins. The current sunset date for the program is 2021.

State Capital Projects Grants-In-Aid

The purpose is to support historic preservation construction projects for publicly owned buildings. There is typically one funding opportunity each fiscal year in the summer/fall, dependent on legislative funding. Matching funds must be matched at least 1 to 1 and may be cash, in-kind and/or donated services or materials contributed to the project. State funds may not be used as a match. Applicants are local or county governmental units eligible to receive state bond funds as defined in Minnesota Statutes 16A.695. State agencies or organizations primarily funded by the State of Minnesota are not eligible. The property for which funds are being requested must be publicly owned and must be listed in the National Register of Historic Places, or have been determined to be eligible for listing in the National Register by the State Historic Preservation Office.

Heritage Partnership Program

The Heritage Partnership Program, funded by the Arts & Cultural Heritage Fund of the Clean Water, Land and Legacy Amendment to the Minnesota Constitution. The program's goal is to build the capacity of eligible applicants





to preserve and enhance access to Minnesota's history and cultural resources by supporting the creation and development of sustainable, history-based partnerships throughout the state.

Historic Recognition Grants Program

The Historic Recognition Grants Program from the State's Arts and Cultural Heritage Fund will support history-related projects with a focus on commemoration of Minnesota's role in the American Civil War.



Small Cities Development Program (Department of Employment and Economic Development - DEED)

The Small Cities Development Program helps cities and counties with funding for housing, public infrastructure and commercial rehabilitation projects. The project must meet one of three federal objectives to qualify: benefit people of low and moderate incomes, eliminate slum and blight conditions or eliminate an urgent threat to public health or safety.



Local Programs

Little Falls, Minnesota

Little Falls operates a Heritage Preservation Commission Loan/Grant as part of the mission to preserve, protect and perpetuate the historic, cultural and aesthetic interests and values of the City. The low interest loan/grant fund has also been established to safeguard and enhance the sites and structures within these areas. In order to equitably administer these loan/grant funds from limited financial resources, the City has established a low interest loan/grant policy. Information on the policy can be obtained from City Hall.



Mankato, Minnesota

The City of Mankato offers forgivable and low interest loans for rehabilitation to commercial and residential properties within targeted areas. The targeted areas contain some of Mankato's oldest structures.

For commercial rehabilitation, the City offers 0% interest and deferred loans which are forgiven after 10 years of ownership. It is a 50% match program. The City also offers low interest loans which require a 1/3 match by use of a revolving loan fund. The City of Mankato has also used Community Development Block Grant Funds (CDBG) for commercial rehabilitation in the past and may continue to do so in the future.

The City of Mankato also provides a residential rehabilitation program for owner-occupied and rental residential rehabilitation for 0% interest and deferred loans which are forgiven after 10 years of ownership. A 0% or 20% match





may be required, depending on the household income. The rehabilitation must benefit low-to-moderate income households. CDBG funds are used for this program.

Albert Lea, Minnesota

The City of Albert Lea offers the Broadway Ridge Renewal Grant that will provide financial assistance to historic commercial property owners interested in facade improvements for the purpose of preserving the architectural character unique to Albert Lea. Eligible projects must be located in the National Commercial Historic Districts and grant money must be used to finance facade improvements. This program is a matching grant with varying amounts of money based on the size of the building and project.



Chaska, Minnesota

Chaska maintains two local financial incentives for preservation:

- Initial Architectural Feasibility Grant: up to \$500 available from the City of Chaska Economic Development Authority to evaluate and develop design recommendations for appropriate treatment of historic buildings
- Storefront Rehabilitation Loans: a revolving loan fund of up to \$50,000 (depending on the size of the historic building)



Minneapolis, MN

The Minneapolis Community Planning and Economic Development Department operates a Facade Improvement Matching Grant program that works to revitalize and sustain the economic vitality of the city's commercial districts through public/private investments in facade projects for commercial properties.

Other Potential Incentives

Low Interest & Zero Interest Loan Programs

Some communities offer special loan programs to promote rehabilitation. For example, a community may provide 0% interest loan funds to residential and non-residential historic properties. Loan funds are repaid to the City only through the sale or transfer of the property. Funds returned to the City are recycled back into the program, providing an ongoing source of dollars for additional projects.



Exemptions and Variances

Some local governments may also offer exemptions to some local regulations. Variances for encroachments, including reconstruction of missing historical features are examples. Others may waive parking requirements or permit some uses that otherwise would not be allowed in the particular zone district.



Technical Assistance

Some communities offer a small grant to assist in securing professional consultation related to historic buildings. A design assistance program aims to help property owners minimize the impacts of additions, alterations and new construction on neighbors and on the overall character of the historic district. This type of educational program is an educational solution for many of the problems with design compatibility in historic areas. The program enables owners to utilize the expertise of qualified consultants with documented experience in compatible historic design, for new construction and alterations as well as for project planning. The City of Stillwater offers technical assistance in the form of pre-design assistance, which is available to property owners seeking understanding of the local district guidelines. This opportunity helps ensure property owners





design a project that will not only meet the guidelines but that will fit within the local district. While these meetings are generally held with City staff, the Stillwater HPC will meet with a property owner prior to application submittal to provide feedback and informal recommendations of preliminary design concepts.



Main Street programs are also available for technical assistance through a competitive national award program. Projects must be in the areas of Strategic Organizational Planning, Fundraising, Leadership/Board Development and/or Diversity. This program allows a community to receive technical assistance or training directly from experts from the National Main Street Center.

Easements

Preservation easements on property provide income and estate tax deductions for charitable contributions of partial investments in historic property. In donating an easement, an owner transfers control of designated portions of a property to an eligible easement holding organization. Typically, the exterior envelope is conveyed. As a result, any subsequent maintenance work and alterations are subject to the approval of the easement holder. Donors use incentives available in the federal income tax code, which acknowledge easements as charitable contributions. In some cases, this benefit is combined with other state and local charitable gift incentives. Many owners of income-producing properties join this donation benefit with state and federal tax incentives for rehabilitation of certified historic properties. Owners develop these overall tax strategies with their financial advisors. Easement holding organizations exist locally in some communities, and at the state and national levels. The Preservation Alliance of Minnesota is one such organization in the state that operates an easement program.

Local Resources That Can Help

Local Government Websites

Many local governments maintain a preservation page on their website. These often contain useful links to assistance programs and preservation partner organizations.

Local Historical Societies

Historical societies usually focus on promoting awareness of local heritage, maintaining archives and material collections, and operating museums. They often hold records related to historic properties that can be useful in developing rehabilitation plans, historical surveys and tours.

Statewide Resources That Can Help

Minnesota Historical Society

The Minnesota Historical Society preserves Minnesota's past, shares our state's stories and connects people with history in meaningful ways, for today and for tomorrow.

Since 1849, the Minnesota Historical Society has grown to become one of the largest and most prestigious historical societies in the country. It plays an important role in the state of Minnesota's historic preservation, education and tourism, and provides the public with award-winning programs, exhibitions and events.

Minnesota Office of the State Archaeologist

The Office of the State Archaeologist is one of many governmental organizations with a role to play in protecting Minnesota's archaeological resources. Minnesota's archaeological professionals work in close cooperation with the state archaeologist. The state archaeologist is the chief public contact for archaeology in Minnesota. Included in the state archaeologist's role is an obligation to promote archaeological education.

Minnesota Archaeological Society

This private, nonprofit organization is dedicated to the preservation and study of archaeological resources in the Upper Midwest. The organization presents slide lectures on current fieldwork and research, offers classes in fieldwork methods and artifact analysis, provides opportunities to





take part in field projects and opportunities to attend special events such as the Midwest Archaeological Conference.

Preservation Alliance of Minnesota

The Preservation Alliance of Minnesota is a statewide nonprofit organization that works toward the use, reuse and preservation of historic buildings and sites throughout the state. The organization runs a variety of programs including educational outreach classes and workshops, the Old Home Certified program that is the Minnesota Realtor designation that was developed by and is only offered by the organization, professional support to developers, investors, engineers, architects, and business owners, and the Minnesota Main Street Program, just to name a few.

Minnesota Main Street is a Main Street America™ Coordinating Program and provides local Main Street communities with the training, tools, information and networking they need to reinvigorate their commercial districts. Faribault, Winona and New Ulm are just a few of the places benefiting from Main Street's education and proven preservation-based economic development.

National Resources That Can Help

The National Park Service

The National Park Service is one of the United States' leading agencies for history and culture. In addition to preserving important historic sites within national park boundaries, the National Park Service works beyond those boundaries to ensure that everyone's history is saved. The Cultural Resources Stewardship, Partnerships, and Science Directorate provides leadership for the protection and interpretation of the nation's heritage, guides a national historic preservation program that embraces national parks and heritage resources, engages all American peoples with the places and stories that make up their national identity, and serves as a model for the stewardship of cultural resources throughout the world.

The National Trust for Historic Preservation

The National Trust for Historic Preservation, a privately funded nonprofit organization, works to save America's historic places. Based in Washington, D.C. and with a network of regional offices, the Trust works in the field of

historic preservation throughout the United States. The member-supported organization was founded in 1949 by congressional charter to support the preservation of America's diverse historic buildings, neighborhoods and heritage through its programs, resources and advocacy. In addition to leading campaigns and advocacy, the National Trust provides a growing educational resource through the Preservation Leadership Forum that offers articles, journals, case studies, conferences and training. The National Trust issues the quarterly Preservation magazine and produces the "PreservationNation" blog, which features stories about people and places in the wider preservation movement. The National Trust's current work focuses on building sustainable communities through the adaptive reuse of historic spaces; preserving and empowering cultural diversity through protecting sites of cultural significance; advocating for greater stewardship of historic places on public land; and leading innovation in the management of historic properties.



Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy.

The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into federal project requirements.

As directed by NHPA, the ACHP serves as the primary federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our nation's heritage; advocates full consideration of historic values in federal decision making; and reviews federal programs and policies to promote effectiveness, coordination and consistency with national preservation policies.



National Conference of State Historic Preservation Officers

The National Conference of State Historic Preservation Officers (NCSHPO) is the professional association of the State government officials who carry out the national historic preservation program as delegates of the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended (NHPA) (16 USC 470).

The NHPA provides for the designation of a State Historic Preservation Officer (SHPO) in each state. SHPOs:

- Locate and record historic resources;
- Nominate significant historic resources to the National Register of Historic Places;
- Foster historic preservation programs at the local government level and the creation of preservation ordinances;
- Provide funds for preservation activities;
- Comment on projects under consideration for the federal historic preservation tax incentive;
- Review all federal projects for their impact on historic properties in accordance with Section 106 of the Act and the regulations of the Advisory Council on Historic Preservation; and
- Provide technical assistance on rehabilitation projects and other preservation activities to federal agencies, state and local governments, and the private sector.

The NCSHPO is a 501(c)(3) corporation registered in the District of Columbia. The NCSHPO acts as a communications vehicle among the SHPOs and their staffs and represents the SHPOs with federal agencies and national preservation organizations. Questions about historic preservation in individual states (i.e. a federal project, listing in the National Register of Historic Places, tax incentives) should be directed to the respective state.

National Alliance of Preservation Commissions

The National Alliance of Preservation Commissions was founded in 1983 in response to amendments to the National Historic Preservation Act of 1966. These amendments provided financial assistance to local governments that met requirements of the Certified Local Government program, including the establishment of a local preserva-

tion ordinance and commission. NAPC provides a forum for commissions to discuss mutual problems and to serve as a national voice representing the particular needs of commissions.

NAPC provides technical support and manages an information network to help local commissions accomplish their preservation objectives. Programs include a biennial FORUM conference and Commission Assistance and Mentoring Program (CAMP®). NAPC also serves as an advocate at federal, state and local levels of government to promote policies and programs that support preservation commission efforts.

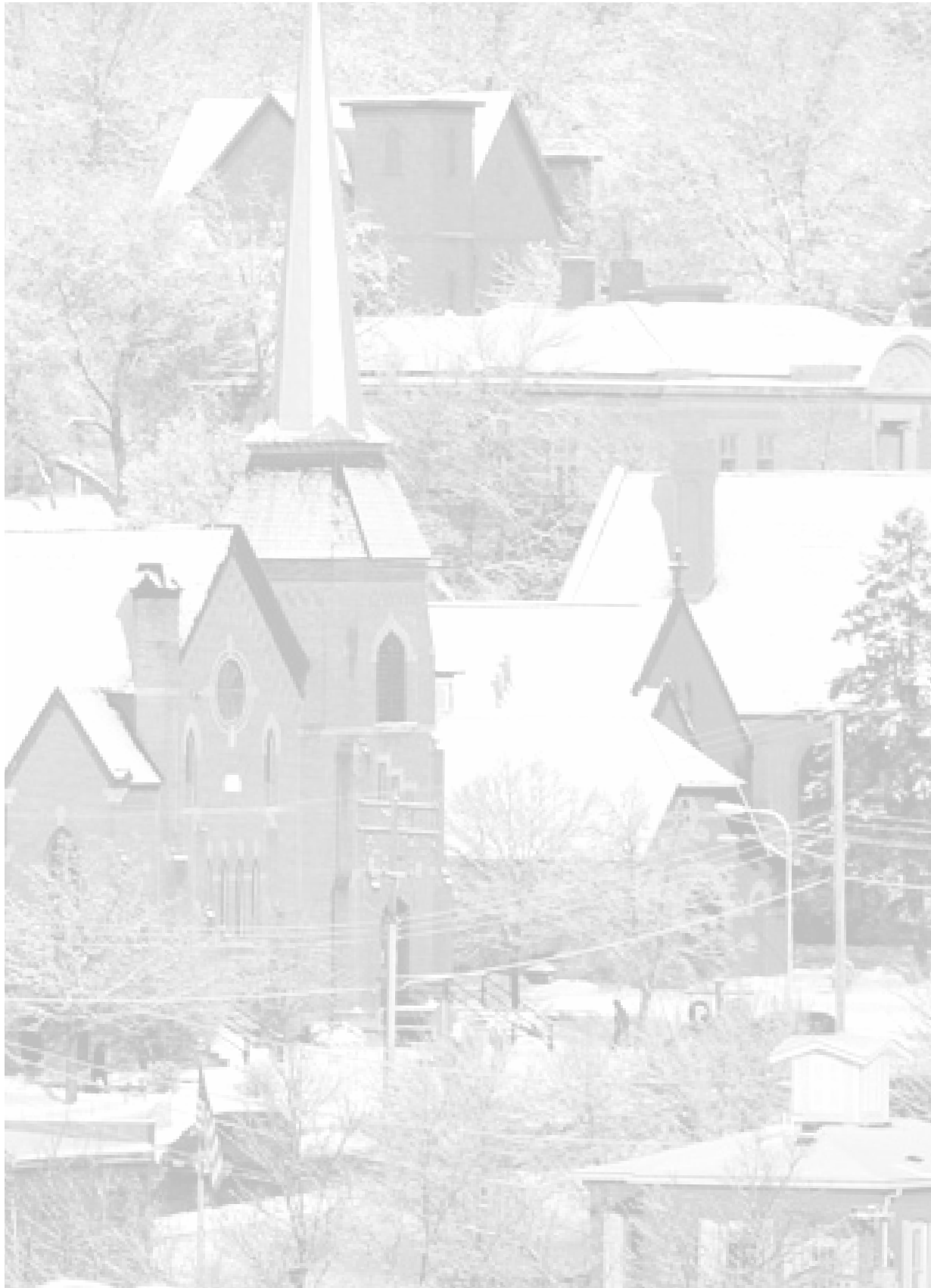
Preservation Action

Preservation Action is a 501(c)4 nonprofit organization created in 1974 to serve as the national grassroots lobby for historic preservation. Preservation Action seeks to make historic preservation a national priority by advocating to all branches of the federal government for sound preservation policy and programs through a grassroots constituency empowered with information and training and through direct contact with elected representatives. Preservation Action is the only national non-profit dedicated exclusively to lobbying for the best preservation policies at the federal level.

The Archaeological Conservancy

The Archaeological Conservancy is the only national, non-profit organization that identifies, acquires and preserves the most significant archaeological sites in the United States. Since its beginning in 1980, the Conservancy has now preserved 500 sites across the nation, ranging in age from the earliest habitation sites in North America to a 19th-century frontier army post.





CHAPTER 2: LEGAL FOUNDATIONS

A Starting Question

You are a member of your local preservation commission, which is considering the designation of the city's oldest house as a historic landmark. The owner, who objects to the designation, has asked if the city has a right to do so. How do you answer? What is the legal basis for regulations related to preservation?

This chapter answers those questions and also provides an overview of some basic procedural requirements that local commissioners must know in order to operate appropriately.

A QUICK ANSWER:

"Fundamentally, communities do have the right to protect historic properties. However, they must do so within the parameters of laws that affect regulation of property and they must employ accepted operating procedures."

Tom Mayes, Legal Counsel, National Trust for Historic Preservation

In This Chapter:

- A. Legal Basis
- B. How Do We Find What is Historically Significant?
- C. Tools Used to Identify Historic Properties
- D. How Do We Officially Recognize Properties of Historic Significance?
- E. How Does the National Register of Historic Places (NRHP) Designation Work?
- F. How Does Local Designation Work?
- G. What Legal Issues May Be Raised?

LEGAL REFERENCES

The National Trust for Historic Preservation maintains numerous articles and web-pages related to preservation, which are a valuable reference for local commissioners:

Glossary of Preservation Law Terms

<http://www.preservation-nation.org/information-center/law-and-policy/legal-resources/preservation-law-101/glossary-of-preservation-law-terms.html#.VvBJHGQrJQo>

Preservation Law 101

<http://www.preservation-nation.org/information-center/law-and-policy/legal-resources/preservation-law-101/#.Vz9v-OcrK02>

Federal Laws Chart

<http://www.preservation-nation.org/information-center/law-and-policy/legal-resources/preservation-law-101/federal-law/federal-laws.html#.Vz9w-ZucrK01>

Other references

Layperson's Guide to Preservation Law: Federal, State, and Local Laws Governing Historic Resources

OBJECTIVE CRITERIA:

It is important that surveys be conducted in an objective manner, using criteria that have been adopted by the commission. These should be consistent with those employed by the Secretary of the Interior, but may include other criteria as well.



A. Legal Basis

Community Preservation Ordinance

The preservation ordinance is the key legal tool that establishes the commission, assigns powers and establishes basic processes for designating properties, conducting design review and engaging in other activities to which it is assigned. Preservation ordinances are among the most powerful tools available to local governments to preserve historic places and to protect their community's character. Counties and municipalities may designate individual buildings and districts as historic. While these properties may also be listed in or eligible for the National Register of Historic Places, local designations are made solely by the local government.

Rules Of Procedure

In addition to the ordinance, commissions should adopt rules of procedure. These describe in more detail the steps for conducting business. They may be adopted separately, but sometimes are embedded in the preservation ordinance.

Some typical provisions in rules of procedure are:

Meetings

- Schedule for (e.g., once a month)
- Attendance requirements (maximum of excused absences)

Filing an application

Schedule for filing an application in advance of a hearing. Submittal requirements, such as:

- Application form
- Building permit application
- Drawings and specifications of proposed work
- Photographs of property and its setting

Public notification of a hearing

- A sign posted at the site
- A published announcement

Process for public comment

- At a public hearing
- Prior to a public hearing

Public hearing process

- Receiving applicant's presentation
- Receiving staff comments
- Receiving comments from the public
- Questions by the commission

Decision-making

- Requirement of a quorum
- Rules for discussion among the commission
- Making a motion
- Voting
- Disposition of the agenda item (by vote)
 - Approval as submitted
 - Approval with modifications indicated at the meeting
 - Continuation to another meeting
 - Denial

Consent docket

In order to expedite decisions and manage meeting time effectively, commissions may assign projects to a "consent docket," in which all items are approved in a single motion in cases where there are no adverse comments by fellow commissioners, staff, or the public. Procedures permit removing an item from the consent docket if there are concerns to address.

Pre-application conference

A meeting before the formal hearing is a valuable way to assure that a proposal is headed in the right direction. Scheduled with staff, this provides an opportunity to advise applicants before they expend substantial time and money on a design proposal.

Recording decisions

The rules of procedure will also describe the requirements for recording decisions. Most hearings are audio or video recorded to retain a basic record of the proceedings. Written minutes, including decisions, are usually prepared.



FOR MORE INFORMATION:

The City of Excelsior's historic preservation ordinance provides a model example for other communities around Minnesota that are looking to update their historic preservation ordinance or to write a new historic preservation ordinance. To read Excelsior's full ordinance, visit https://www.municode.com/library/mn/excelsior/codes/code_of_



UNIFIED CODES:

Note that in some communities that have adopted a unified development code, the preservation ordinance will be a sub-section. Some standard elements of a preservation ordinance may in fact be located in different parts of the code. Meeting procedures, enforcement and appeals, for example, may be the same as for other boards and commissions and therefore will be found in a different part of the community's regulations.

Administrative approval

The rules of procedure may also define a process for administrative approval and define project types that fall under this category. Generally, projects eligible for administrative review are limited to minor alterations and repairs that replace features in-kind.

Ex parte communication

A key consideration is how to handle communications about a pending application that occur outside the public hearing (*ex parte*). This may be a casual encounter with the applicant on the street, for example, in which they make a comment about their project. While such communication should be avoided, it is not always possible to do so. If an *ex parte* communication does occur, the rules of procedure usually require that fact to be announced at the hearing, and the commissioner involved may recuse him or herself from participating in a discussion about the property, if there is concern about a conflict of interest.

Location of rules of procedure

In many cases, the rules of procedure are adopted as a stand-alone document. This facilitates amending it without requiring changes to the preservation ordinance. Even so, some of these procedures may be included in the preservation ordinance. Furthermore, in communities that have adopted a unified development code, in which several "stand-alone" ordinances are consolidated, some procedural requirements that apply to all boards and commissions may be located in separated sections of the development code.

Key principles for the ordinance

Local preservation ordinances vary widely, but the National Trust for Historic Preservation recommends that they comply with these five cardinal land-use principles:

1. An ordinance must promote a valid public purpose. That is, it must in some way advance the public health, safety, morals or general welfare.
2. An ordinance must not be so restrictive as to deprive a property owner of all reasonable economic use of their property.
3. An ordinance must honor a citizen's constitutional right to "due process." In other words, fair hearings must be provided and rational procedures must be followed in an ordinance's administration.
4. An ordinance must comply with relevant state laws.
5. An ordinance must apply with equal force to everyone. That's called "equal protection" of the law.



Basic Elements of a Preservation Ordinance

1. Statement of Purpose

Clearly state its public purpose.

2. Preservation Commission Established

Describe the qualifications of commission members as well as their terms of office.

3. Commission Powers and Duties

Typical duties: to conduct historic surveys, maintain inventories, undertake design review and keep adequate records of actions.

4. Criteria for Designating Historic Properties

Establish basic, objective criteria for evaluating significance.

5. Procedures for Designating Historic Landmarks and Districts

See “due process” requirements described later in this chapter.

6. Reviewable Actions and Procedures

Describe what types of changes --e.g., demolitions, building/landscape alterations or new construction in historic districts-- are subject to review.

7. Standards for Review

These may be broad standards, which can then be elaborated in more detail in accompanying design guidelines.

8. Economic Hardship

Include a process and standards for evaluating economic hardship claims.

9. Interim Protection Provisions

Provide for interim protection for buildings nominated but not yet designated.

10. Minimum Maintenance (Demolition by Neglect)

Include “affirmative maintenance” provisions to prevent negligence in maintenance.

11. Enforcement and Penalties

Define penalties for violating the ordinance.

12. Appeals

Establish a method for appeals by aggrieved parties. State and local laws determine how appeals are made.

B. How Do We Find What is Historically Significant?

Identifying which properties have historic significance is an initial, and important, step in a local preservation program.

Professionals, historians, preservationists and architects work with staff, commission members and advocates to evaluate properties, using adopted standards that are recognized nationally. They employ a variety of research tools to assist them in making those determinations. These nationally-recognized standards are created and maintained by the Secretary of the Interior through the National Park Service.

C. Tools Used to Identify Historic Properties

Surveys

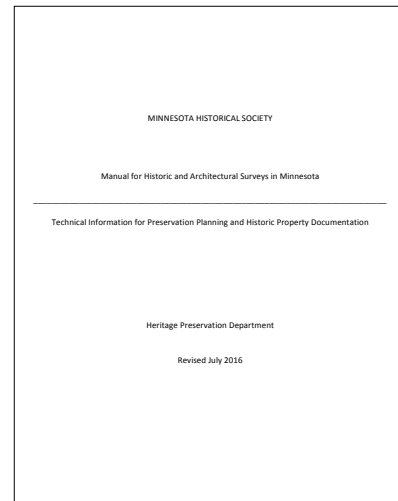
In a historic resource survey, information is collected about the history and condition of properties in a targeted area.

The survey process includes a field inspection, collecting historic information about the physical and cultural history of the property and documenting it in photographs, drawings and maps. Additionally, the survey will include a description of the key characteristics of individual properties as well as the defining characteristics of groups of buildings.

The Minnesota Historical Society and Minnesota SHPO have prepared two manuals, Guidelines for History/Architecture Projects in Minnesota and SHPO Manual for Archaeological Projects in Minnesota. These documents guide survey projects and ensure that the information gathered is consistent and reliable.

CERTIFIED LOCAL GOVERNMENT STATUS

The State Historic Preservation Office (SHPO), and the National Park Service, certify local governments to participate in state and federal preservation programs. As a Certified Local Government (CLG), a community is eligible for special grants and tax incentive programs. Maintenance of CLG status, however, includes specific responsibilities. This includes maintaining a system for survey and inventory of historic properties.



Cover to the Manual for Historic and Architectural Surveys in Minnesota created by the Minnesota Historical Society

FOR MORE INFORMATION:

For more information on the survey process for please review:

Guidelines for History/ Architecture Projects in Minnesota

http://www.mnhs.org/shpo/survey/docs_pdfs/HistoryArchitectureSurveyManualOctober2010.pdf

SHPO Manual for Archaeological Projects in Minnesota

<http://www.mnhs.org/shpo/survey/archsurvey.pdf>

NOTE:

An INVENTORY is distinct from official designation as a historic resource in a historic REGISTER, in that being on the inventory usually does not involve regulation of property, whereas official designation as a landmark does.



Inventories

An inventory is a catalog of survey information, organized by individual property addresses, that is maintained by a community. It includes those properties identified as having significance, as well as others that have yet to be evaluated, and those that have been evaluated and found to lack historical significance. Inventories can be managed at both the state and local level.

State Level

The Minnesota SHPO runs an ongoing statewide survey program that has recorded more than 70,000 historic structures and approximately 18,000 archaeological sites representing every county in Minnesota. This information, housed at the SHPO offices, is generated by the SHPO, other government agencies, county and local historical societies, educational institutions, research organizations and private property owners.

These inventories contain Minnesota's known archaeological sites and historic standing structures. The majority of archaeological sites and many historic standing structures have not yet been inventoried; as that work is undertaken, additional properties will be added to SHPO files.

INTENSIVE LITERATURE SEARCH AND PHASE I/II ARCHAEOLOGICAL INVESTIGATIONS FOR THE ST. CROIX RIVER CROSSING PROJECT, WASHINGTON COUNTY, MINNESOTA

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04-02

Establishing Criteria for Historical Significance

Commissions apply a set of formally adopted criteria when evaluating survey information about properties. These are generally consistent with those established by the Secretary of the Interior for evaluating eligibility to the National Register of Historic Places.

Typically, in order to be eligible for listing as a property of historic significance, it must first meet a set of threshold criteria related to age and integrity, and then must meet criteria related to significance. Historic significance threshold criteria are:

Age

Generally, a property must be 50 years old or older at the time of nomination. There are exceptions to this rule, however, to accommodate significant modern buildings.

Significance criteria

A property must then have significance in one or more categories. Typical categories are:

- Association with historic events or trends
- Association with individuals who made a demonstrable and lasting contribution
- Architectural merit
- Potential to yield information that will contribute to a better understanding of our past

Historic contexts and themes

Historic contexts discuss the patterns and trends that produced individual properties in the community. The core premise is that properties represent interweaving factors in history and did not occur in isolation. These are used in understanding potential significance. Themes group information related to historic resources based on a subject, specific time period or geographic area. The relative importance of individual historic resources is better understood by determining how they fit into a theme. Individual historic resources may relate to more than one theme.



INTEGRITY:

In addition to demonstrating significance, a property must retain physical integrity to reflect that significance; it must not have been substantially altered since the period when the event occurred, or the person lived there. That is, it must retain its "integrity."

Integrity

A property must retain integrity of:

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

It must retain sufficient integrity in many of these aspects to convey its historical, cultural, or architectural significance.

Contributing Property



This building retains its integrity

Contributing Property with Some Alterations



Although somewhat altered, this building retains sufficient integrity

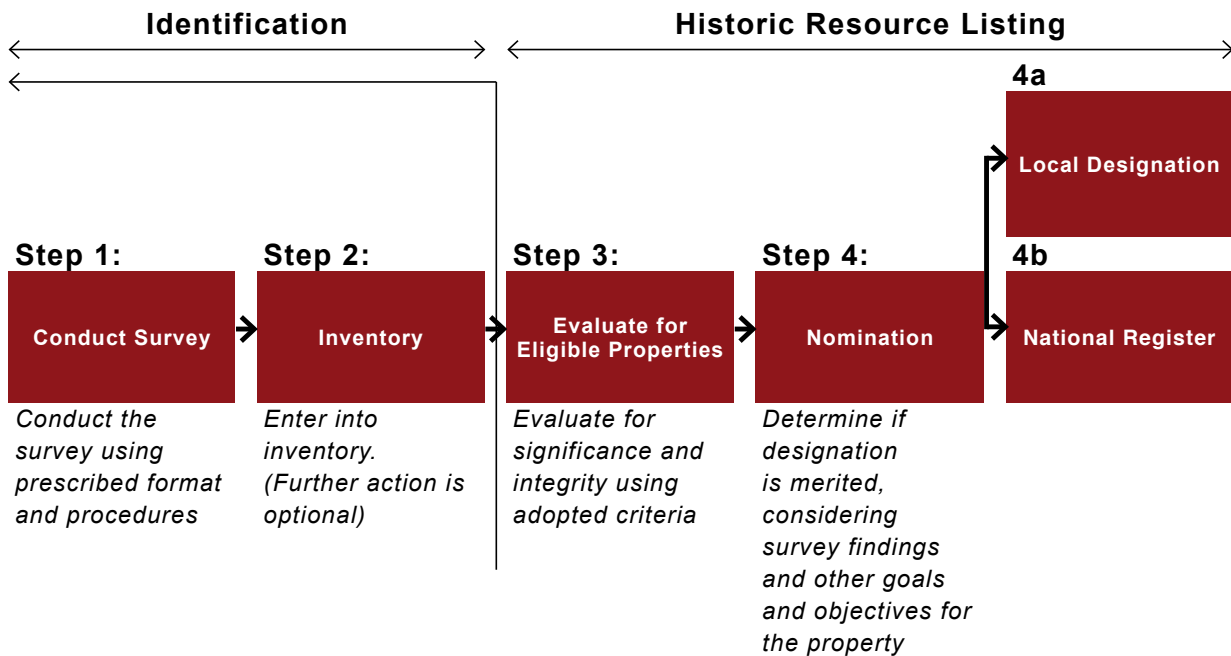
Non-Contributing Property with Major Alterations



This building does not retain its integrity

The Identification and Designation Sequence

Commissions use an orderly process for conducting surveys and entering the data into an inventory. They then evaluate the significance of properties, and next decide how to respond to those findings. This may lead to nomination to one or more historic registers. This chart displays the identification process, in combination with the subsequent, optional, designation process.



SURVEY VS. DESIGNATION:

It is important to distinguish surveys from the separate process of historic designation and protection. Surveys gather information about the history and characteristics of properties, while designation lists a property as having legal historic status. A survey may determine that a property is eligible for designation, but it does not initiate designation proceedings. Often, eligible properties remain undesignated.

Although historic surveys do not officially designate properties as historic, the information gathered is useful to build awareness of historic buildings and sites and inform property owners of potential benefits and incentives that may be available.



D. How Do We Officially Recognize Properties of Historic Significance?

Once determined to have significance, properties may be designated as “landmarks” or as part of a “historic district” in a process that follows legal requirements. “Historic Register” is a term that refers to a listing of properties that are officially designated as historic and appear in either the National Register of Historic Places and/or a local register. Properties on a historic register may be eligible for special benefits and subject to specific requirements.

Types Of Designation

Historic properties may be designated at one or more of these levels:

- Federal (The National Register of Historic Places)
- Local government level

Since properties may be designated at more than one level, this may be confusing to the public, and it is important that commissioners be clear which they are referring to when they are discussing designation.

Rev: 03.31.97

MINNESOTA ARCHAEOLOGICAL SITE FORM

OFFICE OF THE STATE ARCHAEOLOGIST
Fort Snelling History Center, St. Paul, MN 55111 (612) 725-2411

STATE HISTORIC PRESERVATION OFFICE
345 Kellogg Boulevard W., St. Paul, MN 55102 (651) 296-5434

OSA License #: _____ SHPO RC #: _____

Date(s) of Fieldwork: _____ New Site _____ Site Update _____

SITE #: 21- _____ Site Name: _____ Field #: _____

LOCATIONAL INFORMATION (attach USGS topographic quad and sketch map with site location outlined)

County: _____ City/Twp. Name: _____ SHPO Region: _____

USGS 7.5' Quadrangle Map (name and year): _____

Township: _____ Range: _____ Section: _____ ¼ Sections (at least 2): _____
 Township: _____ Range: _____ Section: _____ ¼ Sections (at least 2): _____
 Township: _____ Range: _____ Section: _____ ¼ Sections (at least 2): _____

UTM Site Coordinates (use 1927 datum; identify center point only):
 Zone _____ Easting _____ Northing _____

Other locational information: _____

SITE CHARACTERISTICS

Acreage: _____ Site Dimensions (both horizontal and vertical/depth, in metric): _____

Features (✓all that apply): _____ earthwork _____ depression _____ foundation _____ other _____ none

describe: _____

Site Description (✓all that apply and describe):
 _____ single artifact _____ artifact scatter _____ lithic scatter _____ earthwork/mound
 _____ structural ruin _____ rock alignment _____ rock art _____ cemetery/burial
 _____ standing structure (SHPO structure # if known): _____ other: _____

describe: _____

Inferred Site Function (must specify): _____

Current Land Use (✓all that apply):
 _____ cultivated _____ woodland _____ commercial _____ unknown
 _____ fallow _____ recreational _____ industrial _____ other: _____
 _____ grassland _____ road _____ residential _____

Surface Visibility
 _____ excellent _____ good _____ fair _____ poor _____ none

Degree of Disturbance (✓and describe):
 _____ minimal _____ moderate _____ heavy _____ destroyed _____ unassessed

describe disturbance type(s): _____

Current Threats to Site:
 _____ erosion _____ development _____ agricultural _____ none known _____ other: _____

Example of archaeology designation form.

E. How Does The National Register of Historic Places (NRHP) Designation Work?

The National Register is a program of the U.S. Department of the Interior, National Park Service. It recognizes districts, buildings, structures, objects and sites for their significance in American history, archeology, architecture, engineering or culture, and identifies them as worthy of preservation. It is administered at the State level by the Minnesota Historical Society Heritage Preservation Department. Note that while it is named the “National Register,” properties may only be significant at a state or even a local level. They must, however, meet the National Register criteria.

National Register listing process

Listed properties span a wide variety of types and periods, ranging from prehistoric archeological sites to buildings of the recent past, and include rural landscapes, urban and suburban neighborhoods, bridges, sailing vessels and more.

Effect on property owners

Listing in the National Register honors the property by recognizing its importance to the community, state or to the nation, and confers a measure of protection from harm by federal or state activities. It does not, however, place any restrictions on the actions of private property owners.

Listing in the National Register is also the effective threshold for eligibility for a variety of programs designed to assist in the preservation of significant properties, including federal and state tax credits for certain types of rehabilitation work. Other financial incentives for preservation include grants and loans.

Donations of preservation easements on Register-listed properties also may qualify for charitable tax deductions.

Note that listing in the National Register does not restrict private property owners in disposition of their property, as distinguished from LOCAL listing, which is described

NATIONAL REGISTER LISTING IN MINNESOTA:

1,600 Minnesota listings, encompassing over 7,300 properties from all counties in the state, including 201 historic districts, can be found on the National Register of Historic Places (NRHP), the nation’s official list of properties deemed worthy of preservation. In Minnesota, the National Register program is administered by MNHS’s Heritage Preservation department.

Please visit the link below for a list of Nationally Registered Places in Minnesota:

www.mnhs.org/nrhp

NATIONAL REGISTER OF HISTORIC PLACES:

The National Register was enacted by Congress in the National Historic Preservation Act of 1966. This established a process for nominating properties to the register and provided for a system of criteria to use in determining significance.

THE COMMISSION'S ROLE:

Note that the commission's role is advisory in the designation process. The governing body makes the formal decision.



below. A property listed only in the National Register may be altered or demolished, following general building and demolition codes of local communities.

F. How Does Local Designation Work?

The legal basis for local designation

At the local level, historic properties are designated under the community's "police power." The parameters for establishing local preservation regulations are set forth in Section 471.193 "Municipal Heritage Preservation" of the Minnesota Statutes. This section is considered "enabling legislation," because it sets forth the range of powers that local governments may use in promoting historic preservation. Any local ordinance must be in agreement with the applicable state enabling legislation as county and municipal governments can only exercise those powers specifically delegated to them by the state.

Designation is a form of zoning overlay

A property may be designated as a historic resource under local zoning laws. This, of course, is the type of designation that local preservation commissions deal with most of the time.

A community may adopt regulations related to preservation of historic properties, which can include a process for officially designating resources to a register. Adopted by



ordinance, this may provide for review of alterations and demolition as well as make certain incentives available to eligible properties. It is this designation that preservation commissions use in their review and permitting roles.

G. What Legal Issues May Be Raised?

Even though local governments have the right to designate and regulate properties, historic preservation ordinances and commissions may face legal challenges. Often these are raised as concerns during the designation and design review processes, and sometimes they may even lead to formal consideration in the courts. This section discusses some of the most common legal issues a commission may face and some best practices that commissions should follow to protect themselves from legal vulnerability.

Takings

One of the most frequently challenged issues is whether designating private property as “historic” and thus subjecting it to government regulation constitutes a “taking” for which the government unit must pay. The term “taking” derives from a provision in the Fifth Amendment to the U.S. Constitution that states that private property shall not “be taken for public use, without just compensation.”

In general, the courts have interpreted a “taking” to occur only when no viable use of the property remains from the governmental action. That is, limiting use, or in some cases, prohibiting certain alterations or even demolition, is not considered a taking.

The courts have upheld local governments’ ability to regulate for preservation, finding that the restrictions that may be applied do not constitute a taking. That said, the courts do consider closely if a property owner’s rights for due process have been followed.

SPECIAL LEGAL ISSUES:

Chapter 7 discusses some other special legal issues:

- A. Economic Hardship
- B. Demolition By Neglect
- C. Enforcement



FOLLOWING DUE PROCESS:

Commissioners should take care in their actions to assure that procedural due process is provided.



March 28, 2016
NOTICE OF PUBLIC HEARING
The City of Mankato Heritage Preservation Commission will hold a public hearing regarding the following request on Thursday, April 14, 2016 at 4:00 p.m., in the Minnesota Valley Room located on the first floor of the Intergovernmental Center, 10 Civic Center Plaza, Mankato, MN. The purpose of this hearing is to consider the following:
** Request of Planning Agency and Heritage Preservation Commission for an ordinance amending Section 10.82, Subdivision 20 relating to locally designated heritage properties - Wenzl Huetfl Tailor Shop. The property is described as the Northerly 22 feet of Lot 1, Block 17, except the rear or Easterly 34 feet of the Northerly 22 feet of Lot 1, Block 17, Map of Mankato, Blue Earth county, M.T. (329 N. Riverfront Drive).
Paul Vogel
Director of
Community Development

Example of public hearing notice

FOR MORE INFORMATION:

Federal Preservation Laws

<http://www.preservation-nation.org/information-center/law-and-policy/legal-resources/preservation-law-101/federal-law/#.VuMEgYwrJQo>

Procedural Due Process

While local governments do have the right to regulate properties for preservation, they must do so following procedural due process. That is, each affected property owner must be given proper notification of pending governmental action, and be provided the appropriate hearing of their concerns.

Procedural due process is essentially based on the concept of “fundamental fairness.” Procedural due process refers to the manner in which government actions are carried out, that is, the actual process of decision-making.

Procedural due process requires:

- Advance notice of the proceedings
- Final notice of the decision reached
- Opportunity for individuals directly affected by the proposed governmental action to be heard

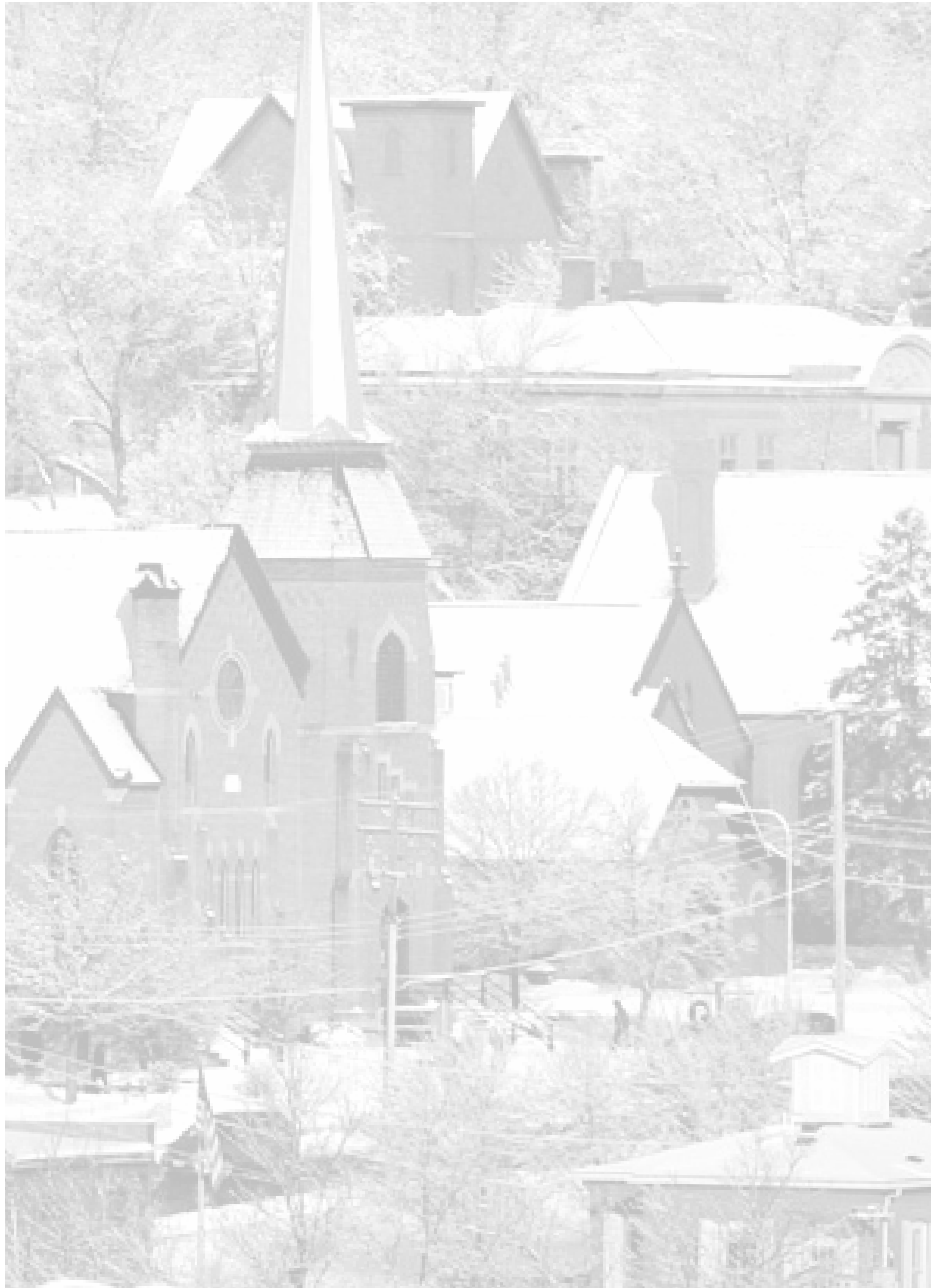
Commissioners should take care in their actions to assure that procedural due process is provided, such as notifying applicants of hearing dates and providing time for public comment during a hearing. Local governments, including all boards and commissions, must also adhere to the Minnesota Open Meeting Law that was originally enacted in Laws 1957, chapter 773, section 1. It is now codified in Minnesota Statutes, chapter 13D. The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board’s decisions or to detect improper influences
- To assure the public’s right to be informed
- To afford the public an opportunity to present its views to the public body

Substantive Due Process

Substantive due process is a related concept. It addresses the rationality or reasonableness of the substance of the decision itself. It requires that the decision be based on the evidence on the record as applied to the standards and criteria in the ordinance. It also protects individuals from bias, conflicts of interest, and other factors bearing on the impartiality of the decision-makers. Commissions should take care to make findings of fact and reference all applicable standards and criteria when taking action on a property. Commissioners must also recuse themselves from discussions about applications, properties, or issues if there is a real or perceived conflict of interest. Failing to do so could create legal vulnerabilities for the individual, the commission, and the local government if the decision is challenged in the future.





CHAPTER 3: DESIGNATING PROPERTIES

A Starting Question

A property owner wants to designate their property as a historic landmark under the community's preservation ordinance, and they wish to know what the process will be. How will you answer them?

Designating a property means formally listing it under local law as a historic resource or as part of a district. This is a land use action, and therefore requires formal hearings. It also requires an appropriate level of documentation that substantiates the historic significance of the property. This includes information from a survey, using specific categories for classifying properties, information that places the property into historical context and application of criteria for determining significance and integrity. This chapter provides an overview of those informational tools used in the designation process.



In This Chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries



A. Designating Historic Properties

The designation of individual properties and districts as historic is fundamentally a zoning power and may only be made by a local governing body (i.e. Mayor/Council) through adoption of an ordinance. The designation ordinance should include findings that describe the historic, architectural or archeological significance of the property, the boundaries of the property, and reference the applicable ordinance or section of the local code that allows the Council to make the designation and review alterations to those properties.

Designating a property or a district can sometimes be a long and occasionally contentious process. The Commission should consider holding special information meetings or forums with community groups and property owners to answer questions, dispel myths, and discuss the community's concerns prior to holding a formal vote on whether to recommend designation of the property. Such outreach can be very important when it comes time to present the designation request to the City Council.





Heritage Preservation Site Designation

Type 4 Review

GENERAL INFORMATION

1. Applicant

Name:			
Street:	City:	State:	Zip:
Business Telephone:	Fax:		
Email:			

2. Property Identification Number (PID) for this application:

3. Property Address for this application:

Street:	City: Northfield	State: MN	Zip: 55057
---------	------------------	-----------	------------

4. Project Name and Project Description:

5. Property Owner

☐ Same as the Applicant

Name:			
Street:	City:	State:	Zip:
Business Telephone:	Fax:		
Email:			

6. Project Contact (Architect, Designer, Engineer, Land Surveyor, or Landscape Architect, if applicable)

Name:	Role in Project:		
Company:			
Street:	City:	State:	Zip:
Business Telephone:	Fax:		
Email:			

City Use Only

Received by:	Date Received:	Date Complete:
Permit No.:	Fee:	Date Paid:
Other:	Escrow:	Date Paid:

Community Development

801 Washington Street
Northfield, MN 55057

Phone: 507-645-3059
www.ci.northfield.mn.us

Page | 1

Nomination form example from Northfield, MN for designating a property as a Heritage Preservation Site.

STEPS IN A LOCAL ORDINANCE:

The steps listed here may vary from those in some local ordinances. Always check for any differences.

NOTE:

Chapter 5 provides more detail about hearing procedures.



The Steps in the Designation Process

If a survey indicates that a property is eligible for designation and the owner is interested in doing so, these are the typical steps.

1. Prepare the nomination

Include descriptions of significance along with key features and other data as specified in the ordinance and rules and procedures. The nomination should include a statement that describes why the property/district is significant and relates it to the criteria published in the ordinance.

2. File the nomination with the HPC

Check for completeness of documentation before continuing.

3. Schedule a HPC hearing

Provide public notice, as required in the ordinance.

4. Preservation commission decision

The commission's action is a recommendation to the governing body.

5. Referral to Planning Commission

After the Preservation Commission's decision, the nomination is sent to the Planning Commission, and at this stage, is also sent to the SHPO for comment.

6. City Council/county commissioners hearing

Also conducted according to due process requirements, including appropriate public notice.

7. Appeal

Follow the process specified in the ordinance. Because designations are legislative actions, appeals by property owners or other eligible parties are typically heard by City Council.

What is the Commission's Role?

The local preservation commission reviews designation applications/nominations and makes a recommendation to the elected body. Because designation is a zoning action, it is the City Council that typically has the legal authority to designate properties as historic.

B. Inventories

What is an Inventory?

An inventory is a collection of data about the potential historic significance of properties in a community. It includes any surveys of historic resources, as well as individual evaluations of properties that may be conducted for a variety of research purposes. It is maintained as an informational source. The inventory usually includes the evaluation of resources for potential eligibility for listing in a formal register of historic resources. The inventory can assist in executing a Minnesota Environmental Rights Act (MERA) action when a historic property is threatened.

How is an Inventory Used?

At the local level, a preservation commission uses the inventory as a reference point in determining if any properties would merit consideration for designation. They also use the inventory as a means of developing educational materials about the historic resources of the community or for background information during project review.

Planning departments may also use this information when developing neighborhood plans, or when evaluating development proposals that may require special review under development permitting regulations other than the preservation ordinance.

Why is it Important to Keep a Local Inventory Up to Date?

Since the historic resource inventory is the starting point for research, education programs, and nominations, its value is greatest when the information is up to date. The status of a property as having potential historic significance can change due to a loss of integrity, or new interpretations of historic significance in the community, and thus regular updates of surveys is important. Increasingly, local governments are integrating survey information into Geographic Information Systems (GIS), which means that this information can now be updated more efficiently.



GIS:

GIS can be used to locate existing historic properties and future properties coming online. In addition, the information can be used to assist in understanding how historic properties relate to other planning factors, including land use, transportation patterns and socioeconomics.

FOR MORE INFORMATION

The State of Minnesota maintains a survey of over 70,000 structures and 18,000 archaeological sites, as of 2016, throughout the state.

<http://www.mnhs.org/shpo/survey/inventories.php>



MINNESOTA ARCHITECTURE - HISTORY INVENTORY FORM

Project: Local Historic Bridge Study - Phase II Minneapolis, Hennepin County, Minnesota

Identification		SHPO Inventory Number	11E-MPC-9000
Historic Name	Bridge 90482	Review and Compliance Number	
Current Name	Bridge 90482	Form (New or Updated)	Updated
Field #		Description	
Address	4600 Block Nokomis Ave S over Minnehaha Creek	Linear Feature?	No
City/Twp	Minneapolis	HPC Status	Potential
County	Hennepin	Resource Type	Structure
Legal Desc.	Twp 28 Range 24 Sec 13 QQ NINE	Architect/Engineer	City Engineer of the City of Minneapolis
USGS Quad	ST PAUL WEST	Style	No Style
UTM Zone	15N Datum NAD83	Construction Date	1922
Easting	481975	Original Use	Transportation
Northing	4973984	Current Use	Transportation
Property ID (PIN)			

Description

90482 carries Nokomis Avenue South over Minnehaha Creek, between East 46th and East 47th Streets, in Minneapolis, Hennepin County, Minnesota. The bridge crosses over Minnehaha Creek in a north-south alignment that is skewed to the creek, as the creek passes under the bridge in a southwest to northeast alignment. The bridge is located within the Minnehaha Segment of the Grand Rounds, which is defined by the creek and Minnehaha Parkway. The linear park area surrounding Minnehaha Creek features a valley of varying width, generally with steep bluffs on either side. Dense areas of mature trees as well as manicured open spaces with walking and biking trails line the creek.

Bridge 90482 is a single span, reinforced-concrete, deck-girder bridge that was constructed in a Classical Revival style. The bridge has a total structure length of 41 feet, with a 36 foot long main span. The out-to-out deck width is 56 feet. The substructure is comprised of reinforced-concrete abutments, and concrete wingwalls. An arched fascia girder on both sides obscures the abutments and girders from view, except for under the span. There are recessed panels in the spandrel walls and a large keystone at the top of the arch. Projecting rusticated pilasters are found at either end of the arch. There is a continuous band of decorative deck coping that extends the length of the structure.

The superstructure consists of nine reinforced-concrete deck girders that rest on the concrete abutments. The deck consists of a 30 foot wide concrete roadway with raised concrete sidewalks on either side. The solid concrete railing features square end posts with shallow pyramidal caps on each end. There are two intermediate posts that have decorative molding on the sides and pyramidal caps. Railing panels consist of three groups of seven vertical, rectangular openings in the railing. A short metal tube railing was added to the top of the concrete balustrade in 1989. The entire railing was rehabilitated in 2012. While the railing retains its historic design, a coat of gray special surface finish was applied to the railing as part of the rehabilitation.

Integrity - Good

Bridge 90482 remains in its original location over Minnehaha Creek, retains its park-like setting within the Minnehaha Segment of the Grand Rounds, and retains its historic use as a crossing over Minnehaha Creek. As such, the bridge retains good integrity of location and setting. According to the registration requirements in the "Reinforced-Concrete Highway Bridges in Minnesota MPDF," in order to be eligible for the NRHP, "the significant reinforced-concrete element in the superstructure span... must be in substantially original condition. Because this engineering element is the most important feature of bridges in this property type, neither an original substructure nor an original deck and railing system are necessary for the bridge to be eligible (although these components, when original, may enhance the significance of the bridge)" (Frame 1988:F-7). Since the bridge's construction in 1921, routine maintenance has been performed on the bridge, including a new concrete wearing surface and the addition of metal pipe railings to meet safety requirements in 1989. The bridge railing was rehabilitated in 2012. While the railing retains its historic design, a coat of gray special surface finish was applied to the railing as part of the rehabilitation.

11E-MPC-9000

Example of inventory form for Minneapolis, MN

C. Types of Historic Properties

Historic properties come in a variety of forms. These are the typical categories:

Building

A structure intended to shelter some sort of human activity. Examples include a house, barn, hotel, or church.

Historic District

A geographically definable area, possessing a significant concentration of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Object

Usually artistic in nature, or small in scale when compared to structures and buildings, and generally associated with a specific setting or environment. Examples of objects are monuments, sculptures and fountains.

Site

A discrete area significant solely for activities in that location in the past, such as a battlefield or designed landscape (parks and gardens).

Structure

A functional construction meant to be used for purposes other than sheltering human activity. Examples include, an aircraft, a ship, a grain elevator, and a bridge.

Other categories also are used. These include:

- Cultural landscape
- Traditional cultural property
- Maritime sites
- Archaeological resources



A bandshell is categorized as an "object" property type.



The Indian Mounds Park Mound Group is classified as site.



An archaeological resource is a property type.



A "building" is a structure intended to shelter some sort of human activity.



Individual Landmarks and Districts

Properties identified as having historic significance and formally designated to a local historic register may be listed individually (usually termed a “landmark”), or as a contributing resource in a historic district.

Contributing vs. Non-Contributing Properties

When a boundary is defined for a historic district, it will be drawn around all of the properties in the area. Each of these is then classified as a “contributing” or “non-contributing” to the district’s historic significance. Each property is first identified as such in a historic resource survey, which is then formally adopted when the district is designated.



Contributing property

A contributing property is any building, structure, object or site within the boundaries of the district which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities or archaeological features. Another key aspect of the contributing property is historic integrity (discussed later in this chapter).

Non-contributing property

In a historic district, those properties that do not have historic significance are termed “non-contributing.” This does not indicate that the property is incompatible in its character with the district; that is a different consideration.



A property may be rated as non-contributing for these reasons:

- It is of more recent construction, and therefore does not have historic significance at this time
- It is an older property, but is substantially altered and therefore has lost its integrity
- There is insufficient information to determine that the property has historic significance

D. Significance and Integrity

Age of Historic Resources

In general, properties must be at least 50 years old before they can be evaluated for potential historic significance, although exceptions do exist when a more recent property clearly has historic value.

Significance

To be eligible for designation as a historic resource, a property must demonstrate significance in terms of criteria that are adopted. Most local governments apply criteria adapted from those established by the Secretary of the Interior:

- Association with events or trends important in the history of the community
- Association with individuals who made a demonstrable and lasting contribution
- Architectural merit
- The potential to yield information that will contribute to a better understanding of our past

Integrity

In addition to demonstrating significance, a property must retain physical integrity to reflect that significance; it must not have been substantially altered since the period of historical association.

Integrity includes the aspects of location, design, setting, materials, workmanship, feeling and association. A majority of the resource's structural system and materials and its key character-defining features should remain intact.





What are Character-Defining Features?

Every old building is unique, with its own identity and its own distinctive character. Character refers to all those visual aspects and physical features that comprise the appearance of a historic building.

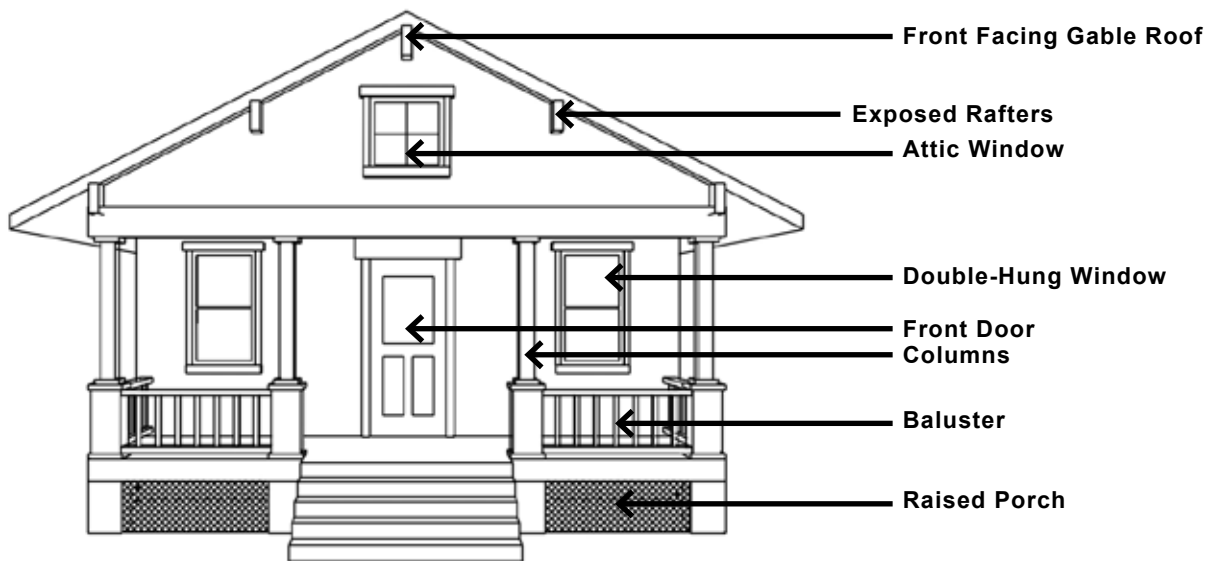
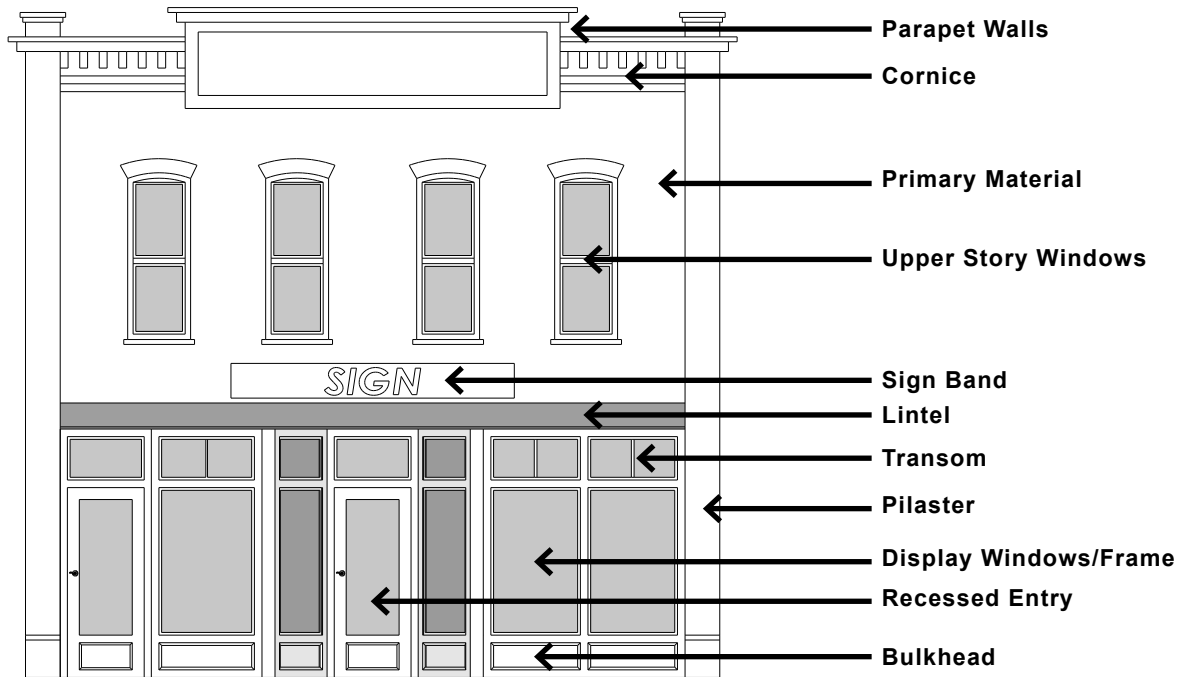
The presence of key character-defining features helps determine a property's integrity. Character-defining elements include the overall shape of the building, its materials, craftsmanship, and decorative details, as well as the various aspects of its site and environment. Some basic character-defining feature categories:

- Shape of the building overall (simple rectangle, complex composition)
- Roof shape (sloping, flat)
- Roof details (eaves, rafters)
- Openings (windows and doors)
- Projections (porches, turrets, bay windows)
- Trim and other components (decorative elements, railings, shutters)
- Materials

The following illustrations identify character-defining features on different property types.

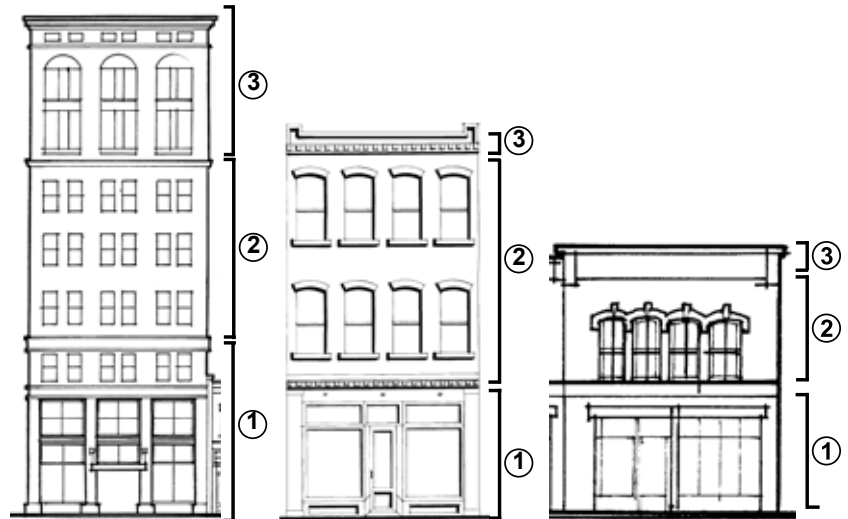
Identifying Character-Defining Features in Individual Buildings

Character-defining features may be illustrated in surveys, historic guidebooks and commission design review guidelines. These documents help property owners identify those elements that should be respected when making improvements. Typical storefront components are shown below.



Character-Defining Features in a Historic District

In a historic district, many buildings may share similar design features, even when the structures span several decades or represent different architectural styles. When these features are repeated along the street, they contribute to a sense of visual continuity, which in itself can be a key character-defining feature.



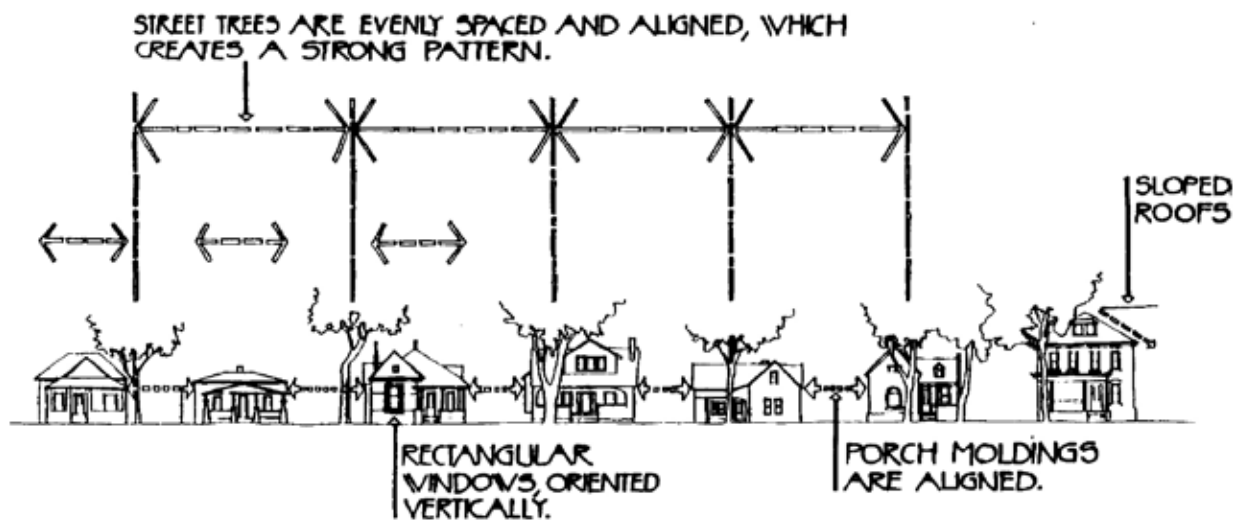
These three commercial buildings in a historic district, although of different heights and periods of design, share these elements:
 1. Base, 2. Middle, and 3. Cap.



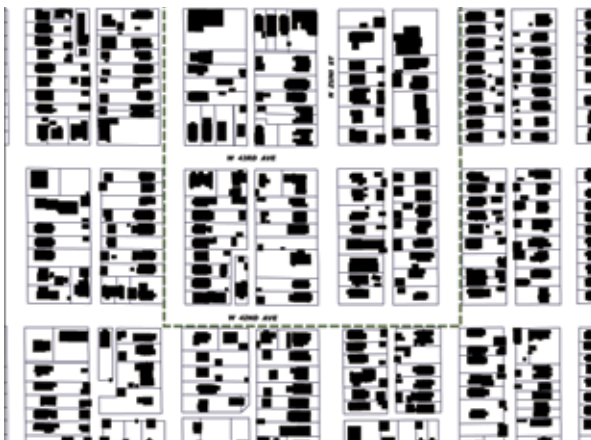
In many commercial districts, similarity of floor heights at the street level, and horizontal moldings combine to create a horizontal alignment that establishes a distinctive scale for a block, which is character-defining.

Character-Defining Features in a Residential Historic District

Features of a Residential Block



The uniform spacing of buildings and side yards creates a rhythm of house fronts in many residential districts, which is character-defining.



The arrangement of city blocks, the width of streets and the presence of alleys are often key features of many single family residential districts. Aerial photographs and "figure-ground" maps also illustrate the uniform setback of building fronts and consistent orientation to the street.

FACTORS TO CONSIDER IN ESTABLISHING DISTRICT BOUNDARIES:

Historical Factors:

- Original settlement boundaries
- Early concentration of building

Visual Factors:

- Views
- Gateways
- Topography

Physical Factors:

- Railroads, highways
- Major urban spaces
- Rivers, natural features
- Changes in land use
- Walls, fences
- Limits of settled areas

Surveyed lines and lines of convenience

- Legal boundaries
- Streets and right-of-way
- Property lines
- Uniform setbacks

NOTE :

In some cases there may be differences between a National Register district boundary and that of a local district.

E. Defining Districts and Using Boundaries

What Does a District Boundary Include?

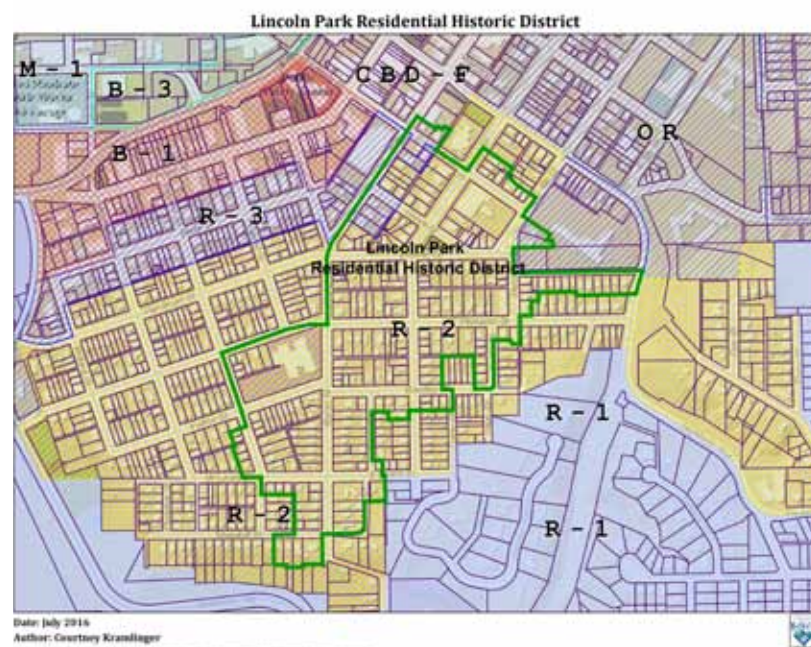
Local boundaries are drawn to contain all of the contributing resources that are identified. They also may be influenced by land use planning policies as well. New construction in the immediate context can affect one's perception of the historic character of the district and for this reason, the boundary may include vacant land and blocks that face historic properties.

Environmental Setting and Landscape Features

Districts often include a combination of buildings, structures, landscapes, and site features, such as fences and walls.

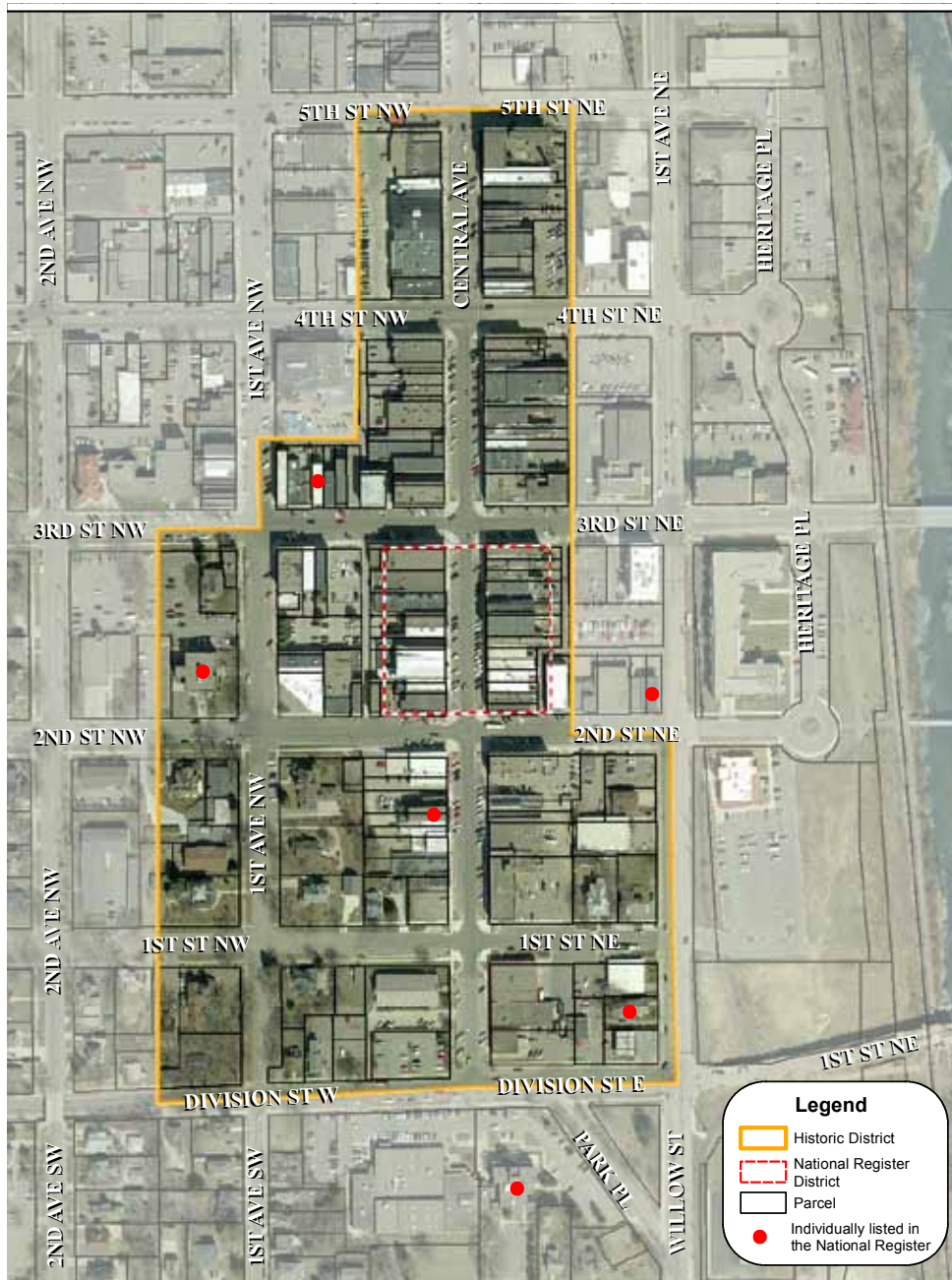
Relationship to Zoning and Other Boundaries

In addition to considering context for purposes of design review, boundaries may also be drawn to align with underlying zoning boundaries, special planned development areas, or other local demarcations.



Lincoln Park Residential Historic District Map from Mankato shows zoning districts with the Historic District boundary overlay.

Historic District Boundaries



A map of historic districts in Faribault, Minnesota, shows all buildings within the boundary. It identifies both the local and NRHP district boundaries, as well as several individual NRHP properties.

Note that this map uses an aerial photo and includes parcel lines, which can be a simple thing to make as a visual aid for a historic district nomination or design review process.



A map of a potential historic district in Mackinac Island, Michigan, shows all buildings within the boundary. Contributors are identified in red; non-contributors in brown. Other structures, including two wharves, a stone retaining wall and a breakwater, are also identified as contributing resources.

Commissions use this information when designating historic districts and also in the design review process to consider the context of a project and the significance of the resource at hand.

CHAPTER 4: TREATMENT OF HISTORIC PROPERTIES

A Starting Question

As a commissioner, you are preparing to review a proposal to alter a historic commercial building. The project would include repairs to existing features, some alterations and an addition. How will you determine if this work is appropriate?

Answering this question requires understanding the effect this work would have on the significance of the property and of alternative, and perhaps more appropriate, treatments that may be applied. Once historic resources are officially listed in a local register, and if the preservation ordinance provides for a Certificate of Appropriateness process, the commission will be engaged in conducting design review. The process of reviewing is described in a subsequent chapter (Chapter 6), but first, it is important to consider how one determines which elements of a property constitute its key, character-defining features and how the basic principles of preservation should be applied. This includes consideration of the reasons for a property's historic significance and of the different types of "treatment" that may be applied. This chapter addresses these basic principles and illustrates some examples of how they may be published in design guidelines.



In This Chapter:

- A. Determining What's Important to Preserve
- B. Basic Preservation Principles
- C. Alternative Treatments for a Historic Property
- D. Applying These Principles



NOTE :

See the discussion in Chapter 3 about the process of identifying key features.

A. Determining What's Important to Preserve

Before reviewing a proposal, it is important to identify the key features that contribute to the significance of a historic resource. This may in part depend upon the type of resource and whether it is individually listed or is contributing to a district.

Individual Landmarks

For individually listed landmarks, great care should be taken to identify all the key features that should be preserved. For properties that are highly significant, this may include features on all sides of the building. This is especially true for buildings that are visible from multiple public ways.

Significance and Integrity of a Contributor

In a historic district where many contributors are perceived in a grouping, and sides and rear walls are less visible, features in remote locations may be less critical to the significance of the property, and more flexibility in their treatment may be an option. This will depend, however, upon careful consideration of the context and the reasons for significance.

Setting Priorities for Key Features

For many buildings, facades seen from the public way often contain more key character-defining features than other facades. A series of sketches (on the following page) illustrates a method of evaluating the priorities for preserving key features.

- Primary facade: Highly valued character-defining features
- Secondary wall: Moderately high value, with fewer character-defining features
- Rear wall: Few character-defining features

This analysis is more relevant in historic districts, where collections of buildings are contributors. Many individual landmarks may have highly valued features on all building faces.

Locating Facade Treatments

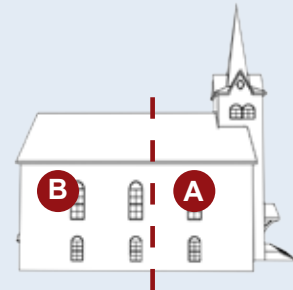
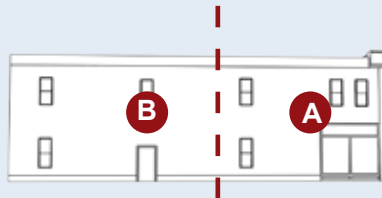
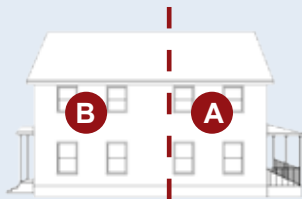
Location A: Primary Facade

Location A: Preservation is a priority.

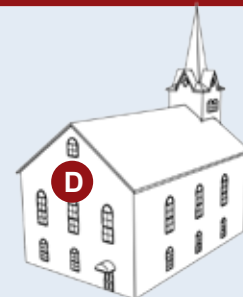


Location A: Highly Visible Secondary Wall Location B: Less Visible Secondary Wall

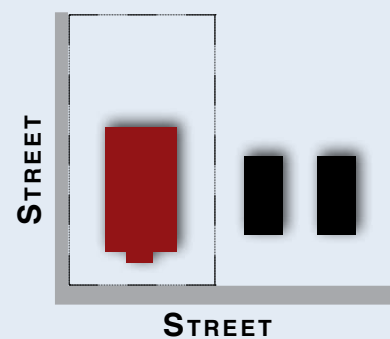
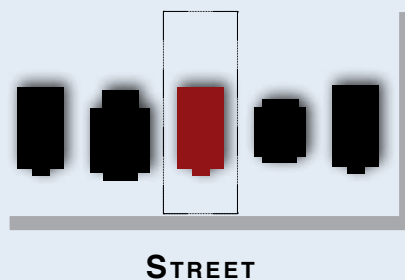
Location B: Preservation is still preferred.

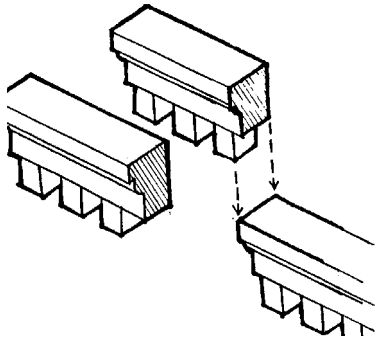


Location C & D: Not Highly Visible Rear Wall



Site Plan





When replacement is required, replace only those portions deteriorated beyond repair. Retain as much of the original fabric as possible.

FOR MORE INFORMATION:

For more information on basic preservation principles and the treatment of historic properties please visit:

The Secretary of the Interior's Standards for the Treatment of Historic Properties

<http://www.nps.gov/tps/standards.htm>

B. Basic Preservation Principles

With an understanding of the basic concepts of historic significance and integrity, it is important to comply with some overarching principles that underlie any appropriate treatment of a historic resource. These are based on the Secretary of the Interior's Standards (SOI). The following principles should apply to all cases:

Principle 1: Preserve key features

- A fundamental concept is that those character-defining elements that convey a property's significance should be preserved. This may include features from different time periods that demonstrate the evolution of the property over time.

Principle 2. Retain integrity

- Preservation theory places value on retaining historic fabric wherever possible.
- While some properties may already have lost some integrity, any further loss in integrity is inappropriate.

Principle 3. Respect the historic character of a resource

- Don't try to change the style of a historic resource or make it look older than its actual age.
- Confusing the character by mixing elements of different styles or periods can adversely affect the historic significance of the property.

Principle 4. Seek uses that are compatible with the historic character of the resource

- Converting a building to a new use different from the original use is considered to be an "adaptive reuse." For example, converting a residential structure to a bed and breakfast is an adaptive use.
- While commissions do not have jurisdiction over how a property is used, only how it is altered, changes in use requiring the least alteration to significant elements are preferred. In most cases designs can be developed that respect the historic integrity of the resource while also accommodating new functions.

C. Alternative Treatments for a Historic Property

While most of the work that a commission will review is considered to be “rehabilitation,” there are four categories of treatment that are recognized. These are based on definitions established by the Secretary of the Interior. These treatments are:

Rehabilitation

“Rehabilitation” is the process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural and cultural values. Rehabilitation may include a change in use of the building or additions. This term is the broadest of the appropriate treatments and is often used in local design review guidelines.

Preservation

“Preservation” is the act or process of applying measures to sustain the existing form, integrity and material of a building. Some work focuses on keeping a property in good working condition by repairing features as soon as deterioration becomes apparent, using procedures that retain the original character and finish of the features.

Restoration

“Restoration” is the act or process of accurately depicting the form, features and character of a property as it appeared in a particular time period. It may require the removal of features from outside the restoration period.

Reconstruction

“Reconstruction” is the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific time and in its historic location.

TREATMENT OF AN ALTERED CORNICE:

Existing Building



Existing building with missing cornice.

Reconstructed Cornice



Reconstruct a missing cornice when historic evidence is available.

Replaced Cornice



A simplified interpretation is appropriate if evidence of the original is missing.

PREFERRED SEQUENCE OF IMPROVEMENTS

Preserve

Repair

Reconstruct

Replace

Compatible Alteration



The Basics of a Rehabilitation Approach

The following steps show the preferred sequence for the treatments in combination with other work that may occur. When making a selection, follow this sequence:

Step 1: Preserve

If a feature is intact and in good condition, maintain it as such.

Step 2: Repair

If the feature is deteriorated or damaged, repair it to its original appearance.

Step 3: Reconstruct

If the feature is missing entirely, reconstruct it from appropriate evidence. Also, if a portion of a feature is missing, it can also be reconstructed.

Step 4: Replace

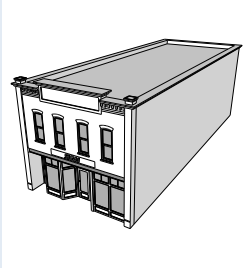
If it is not feasible to repair the feature, then replace it with one to match the original (i.e., similar in design, materials, detail, finish). Replace only that portion which is beyond repair.

Step 5: Proceed with compatible alterations

Once the key character-defining features have been appropriately treated, identify the necessary alterations that may be needed to extend the viability of the property. If a new feature or addition is necessary, the design should minimize the impact to original features. It is also important to distinguish new features from original historic elements.

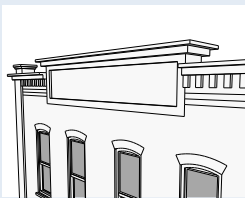
This chart diagrams a linear process for determining the appropriate approach for treatment of a historic building.

Step 1: Why Is The Property Significant? Determine Its Significance



Building significance. Understanding the history of a building is important to any preservation project. Where it is available, survey information from the Planning Department should be consulted to help identify the building's age, style and its key character-defining features. This will help determine to what degree the property should be preserved as it is, or where there may be opportunities for compatible alterations to occur.

Step 2: What Is The Condition Of The Property And Its Key Character-Defining Features?



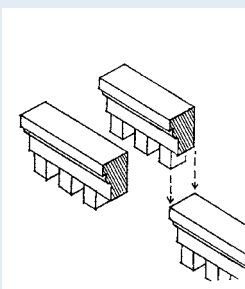
Integrity. The condition of a building and its features contribute to the overall significance of the building. A building with historic integrity has a sufficient percentage of character-defining features, and key features remain intact. These key elements allow a building to be recognized as a product of its time.

Step 3: What Is The Desired Project?



Building use. Are any functional improvements needed for the desired building use? Or is preservation of character-defining features the objective? If restoring features is the focus, then other alternative design approaches may not be necessary, but if some functional improvements are needed, then compatible alterations and/or additions may be the approach.

Step 4: What Is The Treatment Strategy



Treatment strategy. A preservation project may include a range of activities, such as maintenance of existing features, repair of deteriorated materials, the replacement of missing features and construction of a new addition. While the term "preservation" is used broadly to mean keeping a historic property's character-defining features, it is also used in a more specific, technical form to mean keeping a resource in good condition. This, and other related terms, are important to understand because they are all used when planning for improvements to a historic property.

D. Applying These Principles

These next few pages illustrate ways in which these basic principles for preservation can be applied.

Case Study 1: Storefront Rehabilitation in Mankato



Before:

- Original storefront windows have been covered.
- Entryway door is not in character with historic styles or materials.
- The second-story windows have been down-sized with infill.
- The upper story brickwork needs cleaning and repair.
- The storefront has been modified with modern treatments and materials.



After:

- Storefront windows have been uncovered.
- Entryway door is replaced.
- Bulkhead is uncovered and restored.
- Fresh coat of paint applied to piers and lintels.
- Appropriate signage painted in the storefront window.
- Appropriate sign board used on the sidewalk.

Case Study 2: Adaptive Reuse

Original Character:

- Offset tower
- Bracketed cornices
- Stone window sill and arches
- Double hung windows
- Fire door
- Storefront
- Brick facade



Interim Condition:

- Tower missing
- Cornices missing
- Stone trim damaged
- Upper windows altered
- Fire door altered
- Storefront missing
- Brick damaged



After Rehabilitation:

- Tower reconstructed
- Cornices reconstructed
- Stone trim repaired in place
- Upper windows replaced
- Fire door shape restored, with contemporary storefront
- Storefront reconstructed



Case Study 3: Applying Preservation Principles to the Treatment of an Altered Historic Porch

In this case study, two alternative design approaches are considered for a porch that has been substantially altered.

Existing Altered Porch



- Porch posts are missing.
- Porch area is enclosed.

Treatment 1: Reconstruction



When Should I Use This Approach?

- The building is highly significant
- There is good historical information about the design
- The needed materials and craftsmanship are available
- The project budget permits
- The context has many intact historic buildings

Treatment 2: Replace



When Should I Use This Approach?

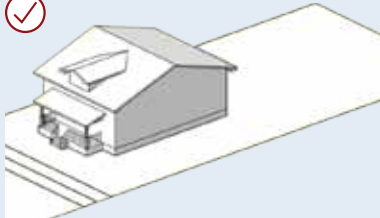
- The building is a contributor to the district
- There is less historical information about the original design
- The budget is more limited
- The work will be phased

Case Study 4: Applying Preservation Principles to the Design of an Addition

In this case study, a series of alternative massing studies illustrates the potential effect upon one's perception of the character of the historic resource. A large scale addition overwhelms the character of this property. In this case, a single family house is the subject. A small scale addition, set to the rear, is the best solution, because it will have less of an effect upon the integrity of the original building.

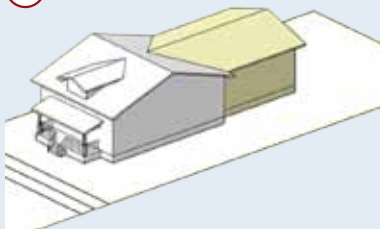
Original Structure

The one-and-a-half story bungalow illustrated at the right is a contributing structure in a locally-designated historic district.



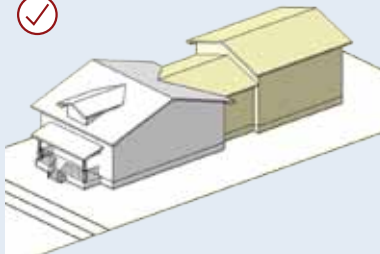
One-Story Attached Addition

The one-story addition illustrated at the right is appropriate because it is clearly differentiated from the original structure with a change in roof plane and is nearly invisible from the street.



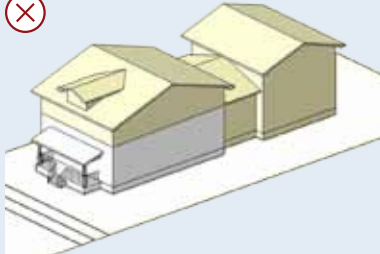
One-and-a-Half Story Addition with Connector

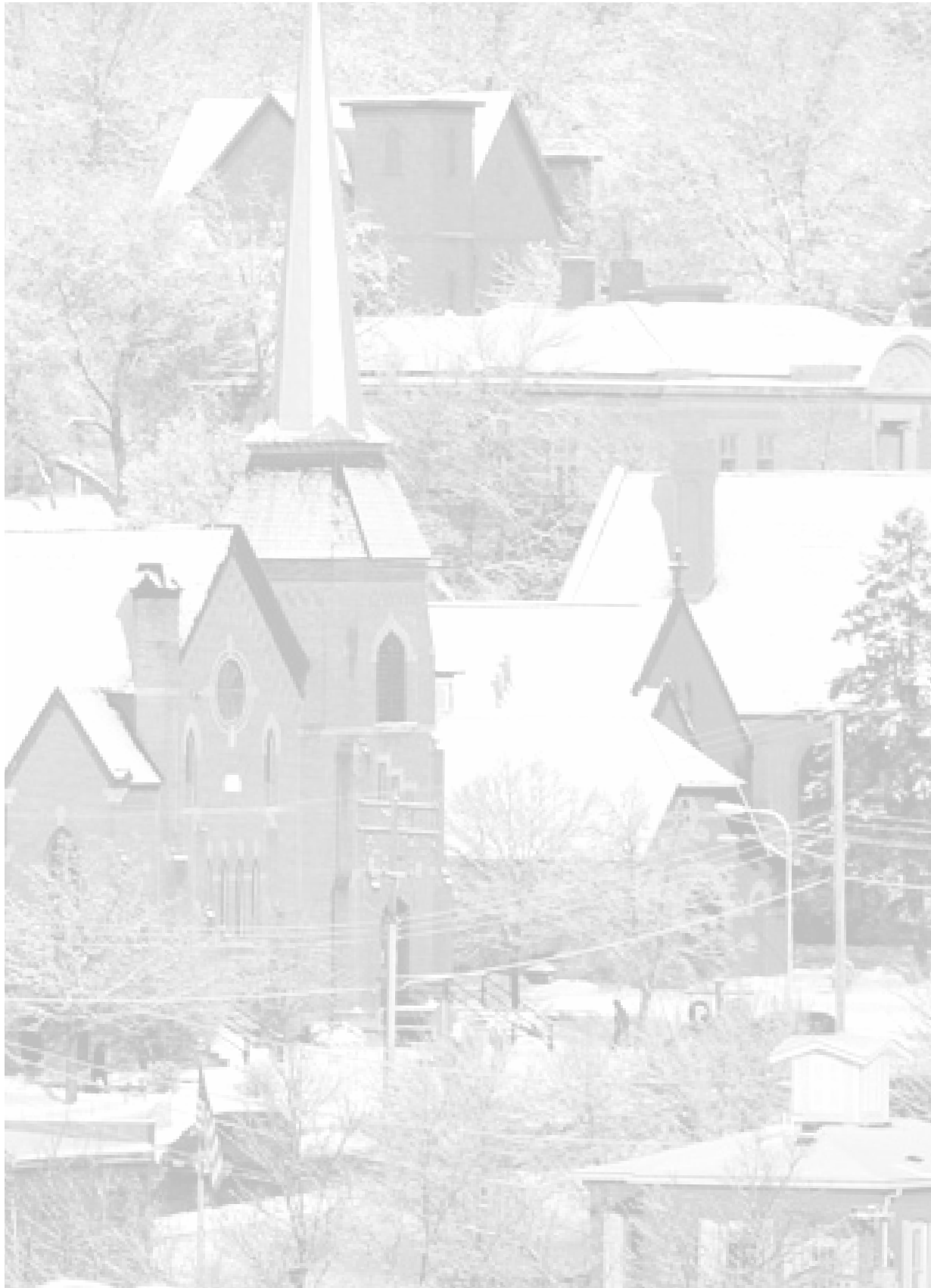
The one-and-a-half story addition illustrated at right is appropriate because it is set back and clearly differentiated from the original structure with a connector.



Inappropriate Two-Story Roof-Top Addition

The roof-top addition illustrated at right is inappropriate because it substantially alters the primary façade of the historic structure.





CHAPTER 5: NUTS AND BOLTS FOR COMMISSIONS

A Starting Question

As a commissioner, you are preparing to review a proposal to alter a historic commercial building. The project would include repairs to existing features, some alterations and an addition. How will you determine if this work is appropriate?

Answering this question requires understanding the effect this work would have on the significance of the property and of alternative, and perhaps more appropriate, treatments that may be applied. These concepts are addressed in this chapter.

The manner in which a preservation commission operates is founded in the roles of the commissioners and staff as they are defined in the preservation ordinance and related by-laws. It also is influenced by the criteria for designation, the guidelines for design review and other adopted procedures. This section provides guidance on the typical roles that commissions and staff have. These will vary among commissions, but many of these roles will be formally defined in the ordinance, or may be outlined in an annual work plan. Clearly understanding the roles of these players is important to conducting business in an orderly manner. It also is important that a reasoned decision-making process be followed and formally recorded. This chapter addresses some of these “nuts and bolts” of commission operations.



In This Chapter:

- A. Roles of the Players
- B. Policy Base for Preservation
- C. Design Guidelines
- D. Defensible Decision-Making



MORE HELP:

The National Park Service provides a document with an introduction to basic legal concepts and issues commissioners may encounter. This document is titled:

LAW AND THE HISTORIC PRESERVATION COMMISSION: WHAT EVERY MEMBER NEEDS TO KNOW

<http://napcommissions.org/wp-content/uploads/2013/08/01-Law-and-the-HPC.pdf>

A. Roles of the Players

Appointment to the Commission

Commissioners are usually appointed by the elected body of the local government, such as a city council or board of county commissioners. Some jurisdictions may provide for appointment by the mayor.

Qualification of members

Those to be appointed to a preservation commission should have a demonstrated special interest in the field. In addition, the ordinance may specify requirements related to certain professional fields associated with design, history and other relevant topics.

For those jurisdictions that are Certified Local Governments, at least two members should meet the Secretary of the Interior's Professional Qualification Guidelines when feasible.

HPC Roles

Citizens provide a public service to their communities by serving on preservation commissions. As such they help to promote implementation of the community's adopted policies and regulations related to historic preservation. They should do so objectively, without introducing their personal biases.

This is because commissions serve as an arm of local government. This role is to be distinguished from a local, non-profit organization, such as a historical society or preservation advocacy group. These other organizations are private entities, and may engage in advocacy or in promoting new policies.

Stewardship

Commissions promote proper use and care of historic properties. They do so by reviewing proposed improvements, discouraging demolition and encouraging use of incentives to facilitate preservation.

Preservation planning

Commissions may engage in long-range planning activities in their communities to assure that historic preservation

is an integral part of public policy, and they also sponsor planning for treatment strategies of individual historic properties.

Identification

Commissions sponsor surveys that catalogue properties and serve as a basis for identifying resources with historic significance.

Evaluation

Commissions also work to evaluate the potential significance of properties identified in surveys, using adopted procedures and criteria.

Reviewing projects and advising

Commissions review proposed changes to the exteriors of properties within designated historic districts and assist property owners in devising appropriate strategies for maintenance and improvements. (Note that this assistance is provided in the context of public meetings, not one-on-one consultations.)

Monitoring and site visits

Commissions observe work in progress and visit sites prior to decision-making. Note that site visits may be subject to open meeting laws.

Decision-making

Reviewing design proposals and approving Certificates of Appropriateness and also recommending designation of properties as historic resources.

National Register Nominations

Commissions may work to officially designate properties to the National Register that meet eligibility requirements. They do so by nominating those properties to the SHPO for formal listing.

Administering incentives

Commissions approve applications for local incentives, such as property tax credits and sales tax rebates.



COA:

In many city preservation ordinances a “Certificate of Appropriateness” (or COA) approval is required before the City can issue a building permit for exterior changes to buildings within a Historic District or landmark site.

The City’s Heritage Preservation Commission must review each project to ensure that the work that is proposed complies with the standards of the City’s Historic Preservation Ordinance and/or design guidelines.



Education

Commissions promote awareness and appreciation of historic resources and preservation programs, as well as appropriate treatment through technical procedures, education and design.

Facilitation

Commissions help property owners find skilled craftsmen and materials suppliers as well as assist them in obtaining other permits that will make rehabilitation possible.

Partnerships

Commissions also engage in partnerships with other groups and individuals. These include local non-profit organizations whose purpose is to promote preservation as well as others that recognize the value of preservation in meeting their own core missions.

Promotion

Commissions also engage in promoting preservation through special events, awards and media channels.

Section 106 comments

A commission may be a commenting party to a Section 106 review.

Staff Roles

Many commissions have staff assigned to assist in their operations. Some typical roles include:

As technical advisors

For communities with professional preservation staff, they may provide technical assistance related to appropriate treatment of properties, design and planning considerations. This may occur in the form of staff reports, with recommendations to the commission, and may also include informal guidance to property owners.

As administrators

This includes general clerical responsibility, such as publishing notices of hearings and agendas, and record keeping.



As decision-makers

Some ordinances provide for administrative decision-making, usually for specific types of work. These may be for minor alterations, and when locally adopted guidelines are clear.

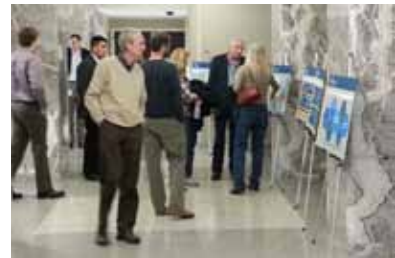
Operating without staff

Some commissions operate with very limited administrative support. Some do not have staff at all. Others may only have part-time assistance of a town clerk or building official. In these cases, commissioners often take on some of the administrative responsibilities. They may rotate this position to different board members to distribute the burden of these added tasks. This may include handling the applications for a Certificate of Appropriateness to assure that they are complete, posting meeting notices and recording the meeting minutes.



The Role of City Councils and County Commissions

City Councils and Boards of County Commissioners play important roles in the local preservation program. These may vary based upon each community's ordinances, but many times it includes a variety of functions to interact with the Heritage Preservation Commission. A basic role is to maintain the commission itself, by periodically appointing members to the HPC and often in providing staff to assist in administration. A second role is in the recognition and designation of historic resources, through formal hearings. Placing properties on the local register of historic places, following the recommendations of the HPC, is a key part of this function.



Some City Councils and Boards of County Commissioners also engage in decision-making related to design review and economic hardship. In some jurisdictions, they make the final decisions on these matters, based on recommendations from their HPCs. In other cases, they may serve as a venue for an appeal of HPC decisions, when the HPC has the initial decision-making authority. In all cases, it is important that these bodies support their HPCs in their decision-making and outreach efforts.



Meeting Operations

Conducting effective meetings is an essential part of operations for a preservation commission. This also applies to Main Street Boards and other organizations that may operate in areas with historic resources. These are some basic principles for effective meeting management:

Meeting agendas

An essential tool is the Meeting Agenda. It should follow a standard format, which may be established by the local governing body for all of its commissions. It should be published in advance of the meeting, and provide enough information for interested parties to know when and where the meeting will occur, what topics will be discussed and the types of actions that may happen.

1. Call to Order (includes a role call and confirmation that a quorum is present)
2. Special Administrative Actions (if needed; may include new appointments to the commission or seating of a alternate commissioner; may also include changes to the agenda, if needed)
3. Approval of minutes from the previous meeting (with amendments if necessary)
4. Public participation for items not on the agenda (usually time limited)
5. Staff reports of administrative decisions (if the ordinance provides for this)
6. Consideration of old business (such as final actions on previous agenda items)
7. Public Hearings (taken in the order published, unless an adjustment is necessary)
8. Other Matters (such as reports from other boards or commissions, discussion of on-going projects and assignments)
9. Scheduling (confirmation of next meeting date, upcoming site visits, etc.)
10. Adjournment

Posting notices

Another essential tool is the meeting notice, which must be published in advance of a formal commission meeting. Local government rules will establish the requirement for how many days in advance the meeting notice must be



posted and how. In many cases, a meeting notice will be published online but also may be published in a local newspaper. Often, a sign also must be posted at the site of a property that will be on the agenda of an upcoming meeting.

Robert's Rules of Order

An essential guide to proper management of a public meeting is the book Robert's Rules of Order. Originally published in 1876 and regularly updated, it sets forth the basic principles of parliamentary procedure. It covers many actions that are often addressed in a commission's by-laws and also includes good advice on how to assure that all parties are heard in an orderly manner. If a commission does not have a separate set of rules and procedures, this book can serve that purpose. This should form the basis of meeting operations. The National Alliance of Preservation Commissions also publishes a document that summarizes the basic principles, titled *For the Record: The NAPC Short Guide to Parliamentary Procedure*.

<https://napcommissions.org/wp-content/uploads/04-For-the-Record.pdf>

Public participation

The rules of procedure should establish the way in which the public may participate in the commission's meeting. There are typically two ways: First, a citizen may speak during a time that is designated on the agenda for general comments that do not relate to items on the published agenda. For example, one may bring a matter to the attention of the board suggesting that a historic survey be conducted for a particular neighborhood, or to raise a ques-





tion about future plans for treatment of a local landmark. The second method of participation is during the Public Hearing phase on the agenda. This is when individual items are considered, and there is a designated step at which point members of the public may speak to the item.

Meeting minutes

Keeping a clear record of each meeting is essential. This should include a summary of all discussions as well as the decisions that are made. It need not be extensive in detail, but should be sufficient to portray the nature of the item that was discussed, the issues involved, and the findings and actions that the board took. In many cases, a tape recording may provide an added level of detail.



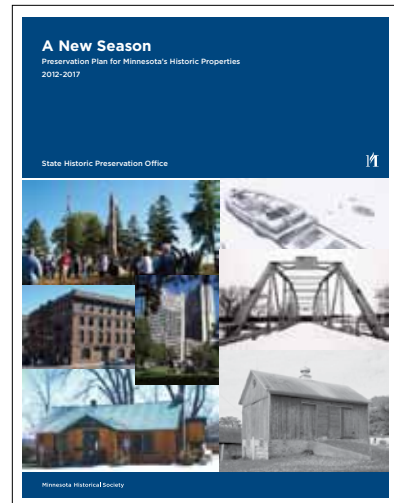
B. Policy Base for Preservation

What are the foundation documents for a local preservation program? They begin with policies adopted by the elected officials in a comprehensive plan and often a preservation plan as well. Specific regulations are set forth in an ordinance as well as adopted rules and procedures.

Statewide Preservation Plan

The Minnesota State Historic Preservation Office (SHPO) has developed a six-year statewide historic preservation plan (*A New Season, Preservation Plan for Minnesota's Historic Properties 2012-2017*) to serve as a blueprint for all those committed to preserving Minnesota's irreplaceable historic and archaeological resources.

The plan is designed to assess Minnesota's progress toward preservation goals set during the previous planning period and provide direction for the state's preservation community in the years ahead. Intended for preservationists across the state, the plan will be adapted and implemented in communities large and small, urban and rural. Working together, with clear priorities and common goals, the Minnesota preservation community stands ready to set a new standard for historic preservation.



Cover of the Minnesota 2012-2017 Preservation Plan.



The comprehensive plan should contain policies and actions related to historic preservation.



Comprehensive Plan

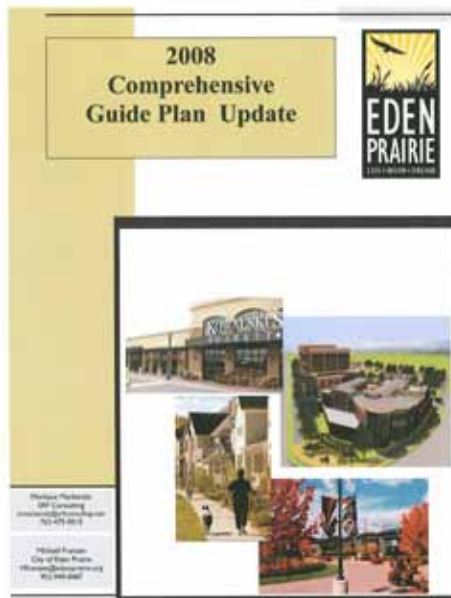
A comprehensive plan is the primary policy document for a local government. It includes policies related to land use, as well as a variety of other factors that address the well-being of the community, including sustainability. Historic preservation is addressed in association with other land use and sustainability policies.

Preservation element

The comprehensive plan should contain policies and actions related to historic preservation. In some communities this may be a brief section that simply defines the role of preservation in the community, or it may be separated into its own chapter or element. The element is extensive in detail, providing more background for the preservation program and setting forth specific actions. In other cases, however, this level of detail is presented in a separate preservation plan.

Community Preservation Plan

A preservation plan provides more detail about the community's historic resources, identifies key participants, and sets forth specific action items. It may set priorities for surveying, outreach and incentives. It may also describe how other preservation partners can work with the commission to accomplish shared objectives.



C. Design Guidelines

An essential ingredient of the review process is an adopted set of guidelines. Commissioners should refer to their design guidelines for all project reviews.

What are Design Guidelines?

Design guidelines are criteria that guide commissions and property owners on historic resource treatment decisions. They are usually a separate document from the ordinance, but basic guidelines may be included in the code itself. In all cases, the guidelines should be associated with a set of criteria for appropriateness that are set forth in the ordinance. Guidelines typically are adopted by resolution of the governing body.

Guidelines enable local preservation commissions to make consistent and fair decisions when property owners seek to renovate or construct new buildings in a historic area.

Design guidelines typically address both rehabilitation and new construction in a historic district. Most guidelines also address signage, site design, demolition, relocating structures, streetscapes and treatment of individual landmarks. Locally adopted design guidelines should be consistent with best practices in the field of preservation, including the Secretary of the Interior's Standards for the Treatment of Historic Properties.

How are Guidelines Used?

These are three key uses of design guidelines:

As an educational tool

Guidelines are used to inform the general public and property owners of best practices in the treatment of historic resources.

In advance planning for a project

Property owners should turn to the design guidelines in the early stages of planning an improvement project.

In commission decision-making

And, of course, they are an essential tool in making informed and defensible decisions in the formal review process. To issue a certificate, the commission must find that the activity complies with all the relevant design guidelines.



NEW COMMERCIAL BUILDING DESIGN

Mass and Scale

Traditionally commercial buildings had varied heights, articulated masses, visually interesting skylines and pedestrian-scaled street fronts that contribute to a sense of human scale. A new building should continue to provide a variety of pedestrian-friendly scales and visually appealing masses. Buildings should not be monolithic in scale or greatly contrast with those seen traditionally in Downtown Plano.

5.10 Maintain the traditional size of buildings as perceived at the street level.

- The street facing facade height of a new building should fall within the historic context of the area. It should respect the traditional proportions of height to width.
- Floor-to-floor heights should appear similar to those of traditional buildings downtown, especially those at ground level.
- For larger buildings new construction should incorporate design features, such as setbacks, that break down the mass into modules that suggest the underlying historic height, width and lot pattern.

5.11 Establish a sense of human scale.

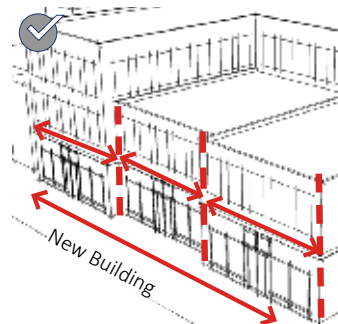
- Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.
- Incorporate changes in color, texture and materials to help define human scale.
- Use architectural details to create visual interest.
- Use materials that help to convey scale in their proportion, detail and form.



For larger buildings, new construction should incorporate design features that break down the mass into modules that suggest the underlying historic height, width and lot pattern.



A new building should be designed with a pedestrian-scaled street front.



New facade widths should reflect the traditional range of the building widths seen on the block.

Compatibility for new construction is addressed in many design guidelines. The focus is on respecting the traditional mass and scale, orientation to the street and alignment of key features that occur in the commercial district. Imitating historic styles is discouraged.

Key Design Guidelines Components - Sample Guideline

These are recommended components of locally-crafted preservation design guidelines.

- A** → **Architectural Details**
Historic features, including original materials,
- B** → architectural details and window and door openings, contribute to the character of a structure. They should be preserved when feasible.
- C** → **1.1 Preserve significant stylistic and architectural features.**
- D** →
 - Storefronts, cornices, porches, turned columns, brackets, exposed rafter tails and jigsaw ornaments should be preserved.



Protect and maintain significant stylistic features, such as these window features, cornice details and ornaments.

Key

- A** **Design Topic**
Describes the design topic addressed by the design guidelines that follow.
- B** **Policy Statement**
Explains the desired outcome for the design topic and provides a basis for the design guidelines that follow. If a guideline does not address a specific design issue, the policy statement will be used to determine appropriateness.
- C** **Design Guideline**
Describes a desired performance-oriented design outcome.
- D** **Additional Information**
Provides a bulleted list of suggestions on how to meet the intent of the design guideline.
- E** **Images**
Clarify the intent of the design guideline by illustrating appropriate and inappropriate design solutions.



How Do Local Guidelines Relate to the Secretary's Standards?

The Secretary of the Interior publishes the Standards and Guidelines for the Treatment of Historic Properties (36 CFR Part 68), which includes a specific set of guidelines for Rehabilitation. Local guidelines should include and reinforce these principles.

Are “Guidelines” Enforceable?

This is a semantic issue that many commissions face. Some people interpret the term “guideline” to mean that they are suggestions, not regulations. In fact, they are enforceable, especially when clearly linked to broader criteria in the local government’s preservation ordinance. The guidelines in essence help to interpret those criteria.



Some communities, in order to make this enforceability clear, instead use the term “standards,” or the combined term “standards and guidelines.”

What if We Don’t Have Guidelines?

While locally-tailored guidelines are preferred, the National Park Service’s Illustrated Guidelines for Rehabilitating Historic Buildings can serve very well, and many communities adopt them. Because they are written to apply to contexts throughout the nation, they are broad in nature and require careful interpretation.

D. Defensible Decision-Making

Defensible decision-making is simply the act of following all steps required to ensure due process. It is essential that the commission's decisions be seen as fair and objective, based on the facts and established criteria and guidelines. The commission's decision must be accurately documented such that, in the future, the process and the reasoning for the decision are clear.

Commissioners should NOT make decisions based on:

- Personal taste. Use the guidelines instead.
- Opinions of the applicant. Focus on the project, not the person.
- Information that is not in the public record.

Some Key Questions:

What are the elements of a defensible decision?

The decision should be based on the relevant ordinances, rules and procedures, including the formal survey and designation information and the adopted design review criteria and guidelines. It should be clearly stated, avoiding "double negatives" or unclear directives.

What should a motion say?

A motion to decide on a proposal should include:

- The stated action -- approve, deny, etc. (See Chapter 6.)
- The name and address of the property
- The "title" of the work proposed--alteration, addition, etc.
- Statement of compliance (or lack of). Be sure to reference to the criteria/guidelines on which the decision is to be made
- Reference to the significance of the property and its character defining features, as described in survey documents
- Reference the submittal documents

If the action is to approve a design proposal, an important consideration is that the motion and the conditions of approval are clear enough that, should it become necessary, non-compliance or a violation of the Certificate of Appropriateness can be proven. Many commissions have



a “motion cheat sheet” to help commissioners remember to include all the elements above into a motion.

What should the minutes include?

Minutes should describe the items on the agenda as they occurred, with an indication of the actions taken, and references to the documents that were considered in the actions. Keep in mind that this may be the first point of reference that someone goes to for future research, and it should provide a “link” to other information that may be on file.

What should the administrative record contain?

Each project “case,” should contain:

- Application form
- Supporting documentation describing the property and proposed action
- Hearing notice
- Minutes of the hearing
- Formal written letter of the decision and a copy of the Certificate of Appropriateness
- Any other documents submitted that were a part of the hearing (e.g., letters from interested parties, professional reports)

Remember, should a decision be appealed, the appellate body will only consider the information in the record, not new information.

What are the basic legal considerations to address?

The decision must be made with these considerations:

- Compliance with an open meetings regulations
- Following Procedural and Substantive Due Process
- Disclosing any ex-parte communication
- Addressing any conflicts of interest
- Maintenance of a complete record

How are appeals handled?

In most communities an appeal goes first to the elected official governing body, such as a City Council. Further appeals then go to the courts. Applicants always have the right to appeal, and in some communities other citizens may also have “standing” to appeal a decision.

CHAPTER 6: PROJECT REVIEW

A Starting Question

A property owner has submitted a proposal to make improvements to their house, which is a contributor in the local historic district. What will you consider in the evaluation? What should you NOT consider in making your decision?

A key responsibility for many commissions is the review of proposals for work on historic properties and within historic districts. This requires careful consideration of the facts presented, with an objective application of the design guidelines that are adopted by the commission and of any criteria set forth in the preservation ordinance. If the commission finds that the work proposed meets those standards, it may authorize granting a Certificate of Appropriateness.

In This Chapter:

- A. What is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines
- E. Potential Actions





A. What is the HPC's Scope of Authority?

The scope of the commissions's authority is usually defined in the preservation ordinance. This typically provides that they can review any exterior work on a property. In some cases, the ordinance may permit the local government to designate interiors as well, in which case those that are specifically listed will be subject to review.



Note that some commissions may only have an advisory role. Rather than formally issuing an approval (sometimes called a COA, as discussed in Chapter 5), they may recommend approval to an administrative official or another board. In this case, a simpler resolution in support may be adopted.

What if Other Repairs Appear to be Needed?

The commission is limited to considering the work described in the application for the COA. It cannot withhold approval of the COA because commissioners believe other improvements also should occur.

THE APPROVAL PROCESS

The approval process is sometimes referred to as the COA, or Certificate of Appropriateness. This process is conducted by the HPC and determines the extent, if any, to which changes can be made to a property.

For example, if an original window has been replaced with an incompatible one, and replacing it with one to match the original would be desirable, the commission cannot require doing so, if work on that window is not in the application.

May the Commission Make Design Changes?

The commission should resist the temptation to redesign the project that is proposed. Instead, it should provide direction to the applicant that would guide them in making revisions that are more compatible with the design guidelines.

What if Work is Undertaken Without a COA?

The building or zoning official is responsible for enforcing violations, but commissioners may often be the first to notice those conditions and will notify the code official.

B. When is Design Approval Required?

The first step is to confirm that a project is within the review powers of the commission, and that design approval or a Certificate of Appropriateness (COA) is required.

Most commissions require approval for these actions:

- Construction
- Alteration
- Reconstruction
- Moving
- Demolition
- Any other exterior change

Note that this includes some work that would not require other permits from the local government. That is, the requirement for a building permit is NOT a test for requiring a COA.

Work Not Requiring a COA

Most commissions do NOT require a COA for routine maintenance that does not require replacing existing materials.

Routine Maintenance

Repair that does not alter the character or finish of exterior materials does not require a COA. Examples include:

- Repainting, using the same color and type of paint
- Resecuring loose boards, shingles or other existing materials
- Such repairs that do not perpetuate an inappropriate condition

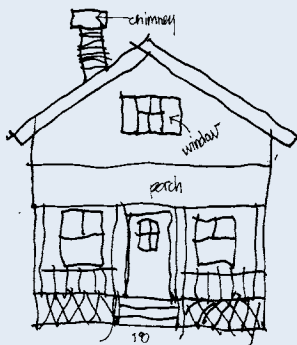


An analysis of key features of a historic district should be a part of submittal documents when context is a consideration.



This residence is undergoing a foundation and porch alteration. A project of this degree requires thorough review.

UNACCEPTABLE DRAWING:



- Cannot be measured
- Lacks sufficient detail

Compare with sketches on the next page.

C. What are the Steps in the Review?

Be certain to be familiar with each application. If it appears that a commissioner is unfamiliar with a proposal during a hearing, it can undermine the credibility of the decision.

These are best practices in project review each commissioner should follow:

Before The Meeting

1. Confirm that submittal documents are complete

Confirm that sufficient documentation is provided to adequately interpret the proposal and apply the guidelines. Staff may conduct this documentation review. Note that a checklist may be helpful to use as a reference.

A simple test to determine if the application documents are sufficient:

“If the finished work appears out of compliance, will the documents substantiate that fact? Can you prove non-compliance?”

2. Visit the site

Commissioners should visit the site of the project in order to gain an understanding of the key features of the property and its context. Be sure to follow any open meetings laws that apply to site visits.

3. Review background information

Review surveys, documents, historic photos and other information about the property.

4. Review the submittal documents

Study them to determine the effects of the proposed work on character-defining features of the resource and its context.

At the Meeting

These steps are recommended for hearing an application. Note that some specific procedural requirements may vary in your local ordinance:

1. Introduce the Commission and the review process

Remember that some people attending the meeting don't know who you are! Explain the sequence of events. Be certain that the roles of the chairman, the commission members and their staff are understood.

2. Explain the purpose of the review

The purpose is to assure that the proposal meets criteria for a COA, as provided in the ordinance.

3. Call each case according to the published agenda

If deviations are required, announce this at the beginning of the meeting. Check for conflicts of interest.

4. Introduce the applicant and their project

Identify the location of the project (preferably on a map visible to all).

5. Listen to the staff report

If the Commission has staff, they should have reviewed the project in advance and may have a written report. Staff comments should identify the specific issues that this application raises and note how the project does or does not adhere to the guidelines.

6. Listen to the applicant's presentation

Encourage the applicant to relate their project to appropriate sections in the design guidelines.

7. Ask for clarification

Withhold criticisms at this stage. First determine that everyone understands what has been presented.

8. Take public comments

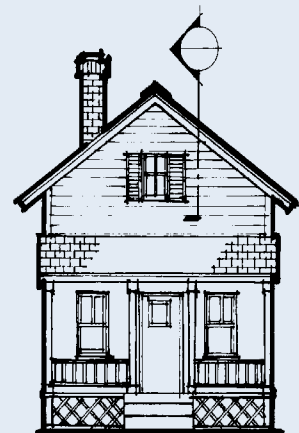
Ask that their discussion be limited to the project at hand, and its relationship to adopted standards and guidelines. Record the name and address of speakers.

ACCEPTABLE DRAWING:



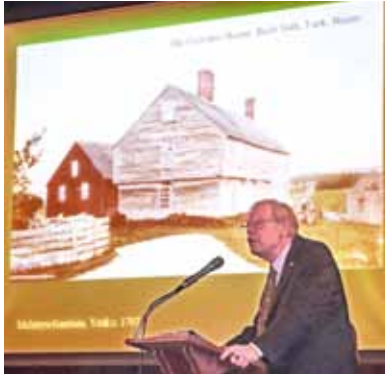
- Free-hand, but to scale
- Can be measured
- Has sufficient detail

ACCEPTABLE DRAWING:



- Mechanically drafted
- Can be measured
- Has sufficient detail

Compare with sketches on the previous page.



Encourage the applicant to relate their project to appropriate sections in the design guidelines.



Commissioners should visit the site of any proposal that they will review. This will require a Public Notice of commissioners touring the site together.

9. Take statements from other public agencies or organizations

In some cases, code and enforcement officers, representatives from local historical societies or advocacy organizations may provide testimony.

10. Critique the proposal

Next, the Commission should evaluate the proposal, using the design guidelines.

11. Allow the applicant to respond

If the commission raises concerns, allow the applicant to defend the design as proposed, provide further explanation, or discuss modifications they will consider.

12. Entertain a motion

The motion should be clear and direct. It should include a reference to the guidelines, and a finding that the project is approved or disapproved because it meets or does not meet the guidelines adequately.

There are four options for a motion:

- a. Approve as submitted
- b. Approve with conditions for alterations to the submittal
- c. Deny as submitted
- d. Continue for additional information (being mindful of time limitations)

13. Vote on the proposal

14. Summarize the results

Be certain everyone understands the action just taken.

15. Record the decision

Send the applicant a letter with the COA, and ask them to remove any signage posted.

Special Review Questions:

As you review an application, consider these questions to help focus the discussion:

1. What is the context?

What is the character of the setting and of adjacent buildings? Remember that you are reviewing the impact of a design upon its specific site, and its surroundings as well as the property itself.

2. What is the impact of the proposal?

Will character-defining features be altered or compromised?

3. Which are the critical design issues?

Certain guidelines will be more applicable than others. Decide which ones will be most significant in reviewing the proposal before you.

Remember, you are interpreting the guidelines. If you disagree with their stated policies, the review session is not the time to assert your opinions about the guidelines themselves—only about the design in relation to the adopted guidelines.

4. Can the design issues be grouped?

Look for common themes. Often, discussion will ramble over many topics. Look for ways to simplify the debate by combining related issues.

5. Are non-design issues embedded?

Sometimes, the problem is not a design issue, but in fact it is a broader conflict over land use, density or some other zoning policy that the guidelines cannot address or solve. Don't get sidetracked.



Routine maintenance usually is not subject to design review.



Use These Techniques in Your Evaluation:

1. Use simple, clear language

Be specific. Even if you approve the proposal, you want to give a clear message to future applicants and to future commission members about how you reached your decision, in the event that they, too, face similar issues.

2. Use the guidelines

Use a checklist to confirm that you covered all the items, and then ask for discussion of any items that are in question. Allow open discussion, but monitor the content to avoid unnecessary repetition.

3. Keep the discussion moving

When all the points have been made and people are repeating earlier comments, this is a good indication it is time to terminate the critique.

4. Keep the discussion on track

Avoid “red herrings,” those tangential issues that may be emotionally charged, but have no direct bearing on the specific proposal, and are not addressed in the standards, and should not influence the decision. These can take up time, frustrate participants and confuse the decision-making record.



D. Citing Design Guidelines

As a means of interpreting those broad criteria to specific COA proposals, the commission should then apply its design guidelines. These may be the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*, or they may be locally tailored design guidelines. Many communities adopt the Secretary's Standards initially, and then augment them with locally crafted guidelines as time and budgets permit.

When reviewing a proposal, be certain to cite the guidelines. This makes it clear that the commission has made its decision objectively, using the tools that are officially adopted, not through personal taste or arbitrarily.

See pages 95-97 for additional design guidelines information.



The Commonweal Theater building in Lanesboro, MN provides an appropriate example of infill development in a historic district.

INFILL IN PLAIN ENGLISH:

New “infill” construction may occur as an addition to an existing building, or as a separate structure on a historic site or a parcel in a historic district.

Design guidelines for new construction focus on compatibility with the historic setting, not imitating it. In fact, new designs that pretend to look old are discouraged, because they confuse the record of history.

At the same time it is important that new development contribute to an overall sense of continuity while also conveying the evolution of the area. It can do so by reflecting more basic patterns of development in the district. Using similar building forms and materials, placing buildings in alignment with others in the block, and respecting the mass and scale of the context are examples.

Therefore, new buildings and additions should be distinguishable as such and not confuse one's interpretation of the development of the property or of the district. That is, each building should appear as a product of its own time.



E. Potential Actions

Once it is time for the commission to make a decision, these are the options:

Approve as submitted

No amendments are made to the submittal documents and no other conditions are attached.

Approve with conditions or modifications

An amendment may be made as a part of the motion to approve. This may be a change in what is proposed, as the applicant may elect to amend the application to better conform to the design guidelines, or an added stipulation. In some cases, the commission may approve with a requirement that a detail of the design be returned for approval later, either by the commission or staff.

Continue the agenda item

If the applicant and the commission agree, a decision may be delayed in order for more information to be provided, or to allow the applicant to modify the proposal based on discussion at the hearing.

Deny as submitted

If an application is denied, some ordinances provide that it may not be resubmitted for a year's time. Always check the local ordinance to confirm details regarding the re-submittal of denied applications.

CHAPTER 7: SPECIAL LEGAL ISSUES

A Starting Question

The owner of a historic house has applied to demolish the building, because otherwise keeping it would be an economic hardship. The building is badly deteriorated as well. How should you respond?

This chapter addresses two of the knottier issues the commissions may encounter: That of economic hardship and “demolition by neglect”.

In This Chapter:

- A. Economic Hardship
- B. Demolition by Neglect
- C. Enforcement



PENN CENTRAL DECISION:

The Supreme Court ruled in its decision regarding a takings claim by Penn Central in New York City that a taking had not been demonstrated, and that a local preservation commission had the right to regulate a property.

This case is the basis for hardship tests.

For more information, see:

Case Briefs: Penn Central Transportation Co. v. City of New York

<http://www.casebriefs.com/blog/law/property/property-law-keyed-to-cribbet/regulatory-takings/penn-central-transportation-co-v-city-of-new-york/>



A. Economic Hardship

“Economic Hardship” is a specific condition that can only be determined using adopted criteria and carefully following procedures outlined in the ordinance. It is not something that commissioners should use their personal feelings about.

This is often an emotional issue, but commissioners should not feel that the question should be avoided. Sound legal precedent indicates that the government, including the preservation commission, can engage in regulations that may raise this question.

What is it?

Economic hardship exists only when NO reasonable use of a property is available to the owner, due to the regulations in the preservation ordinance. It is based on language in the Fifth Amendment of the United States Constitution.

The term “reasonable use” is key. If a property is limited in its use due to the regulation, such that the owner cannot maximize the economic benefits, but there is still a reasonable return, then no taking is found to exist.

Also note that the “hardship” is with the PROPERTY itself, not with the owner. That is, one’s personal finances are not a part of the consideration.

The preservation ordinance should provide a specific process and criteria for determining if an economic hardship exists, and commissioners should follow them carefully.

How Should a Hardship Claim Factor into Project Review?

The commission should consider an economic hardship claim separately from an application to demolish a building. The first step is to decide if demolition is permitted, regardless of economic circumstances. Then, if demolition is denied, a separate hearing should consider economic hardships. This separation of actions makes it clear that the demolition itself remains “inappropriate,” but is permitted because of economic hardship.

The Permit to Demolish

An application to demolish requires a Demolition Permit, a Certificate of Appropriateness (COA) or a similar permit.

A demolition permit might be issued if:

- The property is a non-contributor in a historic district.
- The property, although presently listed as contributing, is found to have lost its integrity and thereby merits reclassification as non-contributing (e.g., through damage from a fire or a natural disaster).

The hearing for the demolition permit should be based on the facts related to the significance of the property. If it retains its integrity, then demolition should be denied.

Finding Economic Hardship

While the claim for hardship may be made as a part of an application to demolish a building, it should be handled as a separate agenda item, and the specific test for hardship should be applied.

That is, the commission in the first hearing would find that demolition is inappropriate, but then in the second hearing find there is an economic hardship (if that is the case), which would then justify issuance of a demolition permit.

Usually, if no economic hardship claim is made, a commission will deny an application to demolish a historic building since its primary objective is preservation of such resources.

Demolition Delay

Some ordinances do not give the commission the power to deny demolition, and only provide for a delay in issuing a demolition permit. The intent is to provide some time to find an alternative, such as selling the property to a buyer who will maintain it.

These provisions usually delay only for a defined period of time. The claim of economic hardship is less likely to occur in this situation.





Economic Assistance

A special case of concern is the situation with an owner-occupied home, in which the owner lacks the financial means to maintain their property adequately. They may assert that a requirement to use proper rehabilitation procedures is an “economic hardship.”

Technically, this is not the same as the hardship related to the Fifth Amendment, but the public may confuse the two. Ideally, the local government will have assistance and incentives programs to help owners make appropriate improvements for these situations. Incentives may include state and local tax credits for rehabilitating historic structures. For more information about incentives, refer to Chapter 1.



Evidentiary Checklist for Economic Hardship

What type of evidence should be reviewed when considering economic hardship? The National Trust for Historic Preservation, in its publication *Assessing Economic Hardship Claims Under Historic Preservation Ordinances*, provides this checklist of information that is a useful tool for local commissions and other regulatory agencies considering economic hardship claims:

- 1. Current level of economic return**
- 2. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents**
- 3. Feasibility of alternative uses for the property that could earn a reasonable economic return**
- 4. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property**
- 5. Knowledge of landmark designation or potential designation at time of acquisition**
- 6. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs**

This paper is available at: <http://www.preservationnation.org/information-center/law-and-policy/legal-resources/preservation-law-101/resources/Economic-Hardship-Assessment.pdf>



B. Demolition by Neglect

Simply put, intentionally allowing a property to deteriorate to the point that it cannot be saved is “demolition by neglect.” The assumption is that the owner is capable of maintaining the building, but chooses not to do so.

What is the Issue?

The concern about demolition-by-neglect is that a building can lose so many of its key features that it will no longer retain sufficient integrity. If that happens, then the building will no longer have historic significance, at which point outright demolition may be permitted under other governmental regulations.

This is especially an issue when an owner may have been denied a permit to demolish a building and, in response, simply lets it decay, perhaps even opening it to the elements to accelerate damage.

Demolition-Related Tools

Tools that prevent or discourage the demolition of historic resources are essential elements of a community’s preservation system.

Sometimes a property is neglected until it must be demolished. These cases of “demolition by neglect” may reflect many causes including:

- An owner cannot afford the necessary maintenance because of personal financial circumstances, or
- An owner is unwilling to invest in the structure, or



- An owner anticipates reuse opportunities for the site that seem to be greater without the historic structure being there, or
- There is no apparent viable economic use for the property, or
- An owner is disinterested or unaware of the condition of the property



At a certain point, the decay becomes so substantial that the City's building official must cite the property as a hazard to public safety. Most local preservation ordinances acknowledge that, when this state is reached, the property may be demolished. The objective, however, is to avoid having a property reach this state.



Typically, by the time a building reaches this stage, it has already passed a point at which many of the architectural details and building components that contribute to its significance have deteriorated to a point beyond repair. That is, when it reaches a public safety hazard stage, the building may have already lost its integrity as a historic resource. The challenge, therefore, is to interrupt the cycle before decay reaches this stage.

Tools to Prevent the Loss of Historic Resources

Typically, the primary demolition prevention tool is a requirement for a demolition permit. Other strategies to protect historic resources from demolition include direct intervention, and incentives as well as working to create a climate that encourages good stewardship. Because the appropriate tools will vary with the circumstances of the case, the most effective preservation programs use these tools:

- Property owner notices of need to repair
- Publication of endangered property lists (often managed by preservation partners)
- Emergency protection clauses in the ordinance
- Minimum maintenance requirements
- Forced sale or condemnation
- Emergency preservation funds
- Removal of inverse incentives
- Creating a supportive economic environment



How Should it be Handled?

Address this issue with care. Some local ordinances around Minnesota have provisions for dealing with cases of demolition-by-neglect, most allowing for:

- Issuing a civil (and sometimes criminal) citation
- Ability of the government to undertake necessary corrective work
- Putting a lien on the property

Citing for demolition-by-neglect requires discretion. Ideally, the commission will adopt specific criteria for identifying demolition-by-neglect.

The ordinance also may limit the use of this provision to specific classes of property, such as:

- Unoccupied structures
- Structures open to the elements
- Major landmarks
- Properties in designated revitalization areas

Enforcement of demolition by neglect

The practical reality is that it is rare for a local government to step in and renovate or stabilize a deteriorated historic building and then bill the owner. Few local budgets have funds earmarked for such activities and it would be unpopular. At most, the local government may board up a building or cover a leaking roof with a tarp - a short-term solution.

After the housing recession occurred and foreclosures were on the rise, many Minnesota communities developed ordinances to protect the health, safety and welfare of the city and its residents. One such program in Stillwater involved the identification and registration of problem properties which includes a property that has been allowed to physically deteriorate. This program, as well as the City's abandoned or dangerous structure nuisance abatement program allows the City to rectify life, health and safety issues in which the payment for services rendered may be certified by the City as a service charge for collection with the real estate taxes. These programs help ensure

older housing stock is decent, safe and sanitary, and is maintained in a manner that does not measurably lessen the market values of properties nearby.

Use it with care

For this reason, it is important to employ this provision with care. It is useful, however, to have such a provision in the ordinance. It serves as a potential deterrent and is then available for really critical conditions or highly valued buildings.

Communicate first

Talk to owners first if substantial deterioration is identified, and document all efforts to communicate with them. Citing for demolition-by-neglect should only occur after demonstrating that the government has done everything possible to resolve the situation.





C. Enforcement

A preservation ordinance should establish a procedure for enforcing its terms. The ordinance is usually enforced through stop-work orders and the assessment of fines and other penalties for individual violations.

The HPC may request that enforcement action be taken for a violation, if the situation is brought to their attention. Note that the HPC does not actually cite the property owner in violation, as it is not the HPC's role or responsibility to police violations.

What is the HPC's role in enforcement?

The commission plays an advisory role. City or county staff is responsible for issuing citations and any related penalties, since this is a part of the zoning code. This may be a code enforcement official.

The HPC may request that enforcement action be taken for a violation, if the situation is brought to their attention, but it is not their responsibility to police violations.

CHAPTER 8: FREQUENT DESIGN ISSUES

A Starting Question

The owner of a historic house in the local district has applied to remove all of the original windows and replace them with new ones in order to save energy. They also wish to cover the wood siding with a cementitious composite board material, in order to save on repainting over time. How will you respond?

These are questions that commissions frequently face. They bundle several issues: When is replacement or covering of original material merited? How does any energy saving action fit into an overall conservation strategy for a property? To what extent must commissions remain up-to-date on changing trends in materials and technology?

Responding to these questions requires delving into the current information about these issues. Extensive information exists about them, and more continues to be published, so it is important that commissioners be open to new information as it becomes available. While the community's design guidelines will provide clear policy on most topics, there may be some that are more recent or may be ones in which new information has come forward. Others are topics that raise theoretical issues that call for a more in-depth discussion. This chapter provides an overview to some of the "hot topics" that may arise in design review.



In This Chapter:

- A. Substitute Materials
- B. Sustainability and "Green" Issues
- C. Windows on Historic Buildings
- D. New Additions to Historic Buildings
- E. New Construction in Historic Districts

INFO ON SUBSTITUTE MATERIALS:

An excellent start for understanding the specifics of alternative materials is published by the National Park Service:

Preservation Brief 16, The Use of Substitute Materials on Historic Building Exteriors

See: <https://www.nps.gov/tps/how-to-preserve/briefs/16-substitute-materials.htm>

Note that, for projects seeking state or federal tax credits or other approvals, the SHPO or the National Park Service may apply a stricter standard for replacement materials. Local commissions should be aware of this when also reviewing those projects.

A. Substitute Materials

What are Substitute Materials?

In historic preservation, a substitute material is one that is used to appear similar to one used originally. Today, this may mean using a cast concrete product to imitate a stone window sill.

Historians will point out, however, that the tradition of using substitutes goes back for centuries and that many of the materials we now consider historic were in fact alternatives to other materials that may have been more expensive or difficult to acquire.

A stamped metal cornice, at the top of an Italianate commercial building, for example, evolved from stone versions employed during the Renaissance in Europe. But, while there is precedent for their use, what is their appropriate application in rehabilitation projects?

Are substitutes appropriate at all?

In its publication, ***Preservation Brief 16, The Use of Substitute Materials on Historic Building Exteriors***, the National Park Service acknowledges that substitute materials may be appropriate in some situations:

“Some preservationists advocate that substitute materials should be avoided in all but the most limited cases. The fact is, however, that substitute materials are being used more frequently than ever in preservation projects, and in many cases with positive results. They can be cost-effective, can permit the accurate visual duplication of historic materials, and last a reasonable time. Growing evidence indicates that with proper planning, careful specifications and supervision, substitute materials can be used successfully in the process of restoring the visual appearance of historic resources.”

Are substitutes always best?

Not necessarily. While claims for durability and accuracy of appearance may be made, the results don't always measure up. It is reasonable for commissions to ask to see examples of how the material has fared in similar conditions of environment and location on a property.

Covering vs. Replacing

Remember to confine the discussion about alternative materials to situations in which a replacement is indeed needed. That is to say, COVERING original material is not appropriate, regardless of what the new material would be. Removing original material that is in good condition and continues to serve its function is also inappropriate.

Reasons for Considering Alternatives

If replacement is merited because of the severe deterioration of the original fabric, then doing so with the same material as the original is certainly preferred, but when might it be reasonable to consider an alternative? These are some conditions:

Inherent flaws in the original

In some cases, while the original material has historic value, it has not performed well and replacing in kind may perpetuate a problem. This is becoming more of an issue with some "Recent Past" resources from the mid-Twentieth Century, in which experiments with new materials and assembly methods sometimes led to disappointing results.

Availability of the original as replacement

If it is difficult to obtain the original material, then an alternative may be more acceptable.

Availability of craftsmen

Even if the original material may be available, are craftsmen on hand who can appropriately finish and install it? This may be an opportunity to sponsor a training program to build the local capability for such skills.

MORE ON SUBSTITUTE MATERIALS:

The National Alliance of Preservation Commissions has published a helpful paper on alternative materials.

Developing a Materials Evaluation Methodology

See: http://napcommissions.org/wp-content/uploads/2013/08/Sustainability_Developing-A-Materials-Evaluation-Methodology-Part-1-2.pdf

Code requirements

Contemporary building codes and related regulations may prohibit use of the original material. While this issue may apply more frequently to interiors, it may also be an issue for exterior features as well. Asbestos shingles and lead-based finishes are examples.

Many design guidelines, such as this example from Plano, TX, include policies related to alternative materials.

Building Orientation

Traditionally, the primary entrance of a building faced the street. In a commercial setting, the entry was often recessed. New buildings should be oriented to continue this traditional pattern.

5.4 Maintain the traditional orientation of a building to the street.

- The primary entrance should face the street.
- In some cases, the front door itself may be positioned perpendicular to the street. In this case, the entry should still be clearly defined with a recessed entry or canopy for commercial building types.
- New buildings should abut the sidewalk. The setbacks for all new construction should match the setback of other buildings on the block.



Maintain the traditional orientation of a building to the street.

Materials

Building materials used in new construction should contribute to the visual continuity of Downtown Plano.

5.5 Use building materials appropriate to the context.

- Brick is the preferred primary material.
- Building materials should have a modular dimension similar to that used traditionally.



The primary entrance of a building should face the street.

5.6 Building materials shall be similar in scale, color, texture, and finish to those used traditionally in Downtown Plano.

- All wood details should have a weather-protective finish.
- Stucco may be considered as an accent material on upper floors of larger buildings.
- Imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or imitation stone and plastic, are inappropriate.
- The use of highly reflective materials is discouraged.



Using new or alternative materials as an accent is appropriate to help express individual building modules or units.

5.7 Ensure that any new materials are similar in character to traditional materials.

- New or alternative materials should appear similar in scale, proportion, texture, and finish to those used traditionally. For example, a modular stone may be appropriate if detailed similar to historic brick material found in the district.
- Using new or alternative materials as an accent is appropriate to help express individual building modules or units.



Brick and stone are the preferred primary materials for new construction.

Chapter 5: Standards for New Construction

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Criteria for Applying Alternative Materials

If it is determined that using the original material may not be the best solution, what would be the criteria for considering an alternative replacement material? These are some conditions to consider:

Accuracy

Will the alternative material successfully convey an appearance that matches the original? They should be similar in:

- Detail
- Profile
- Texture
- Finish

Durability

Does the material have a satisfactory record of performance in a similar condition, including climate and location on the building? Experimenting on historic buildings is not the place to test new materials in the community.

Location on the property

Does the location on the property affect one's perception of the material? For example, a synthetic, resin-cast material may work well for a cornice molding that is located high on



Traditional Storefront Cornice
Sheet metal over a wood frame, sloped to shed water

Transom Window
Along with display window recessed in the brick framing

Display Window
Like the transom above, framed in wood

Bulkhead
Constructed in wood with applied trim

Reconstructed Storefront Cornice
Sheet metal over a wood frame, sloped to shed water

Display Windows
Framed in painted aluminum and set back in the storefront opening

Bulkhead
Constructed in treated aluminum framing and an aluminum panel infill

New Building Materials in Storefront Design

While the commercial property owner is encouraged to use traditional materials in the reconstruction of missing or altered building elements, often it is economically infeasible. Therefore, the owner may consider using newer building materials that emulate the appearance of the traditional elements.

When designing a new storefront for your commercial property, you should meet with city staff to determine what contemporary building materials are acceptable and available

The traditional storefront is generally constructed of a combination of materials, such as wood framing, wood moldings, metal flashing, and plate glass. The typical elements of the storefront were the metal-clad window crown or cornice, the wood framed transom window, the wood framed display window, and the wood or metal bulkhead. The window and bulkhead are generally set back in the storefront opening at least six inches.

The reconstructed storefront can create the same "look" using newer building materials such as insulating glass and aluminum framing. However, the proportions and placement of the different elements need to closely match the elements of the original storefront.*

* Excerpts from *Keeping Up Appearances* from the National Trust for Historic Preservation

The Litchfield Design Guidelines provide guidance on the introduction of new materials to historic properties. This information can pertain to the installation of sustainable systems.



Preserving historic places promotes the three basic categories of sustainability.



The porch on this home helps to buffer temperature swings.

SOLAR PANEL DESIGN OPTIONS:

For a quick summary of solar panel design options, see the NAPC publication:

Sample Guidelines for Solar Systems in Historic Districts

<http://www.preservationnation.org/information-center/sustainable-communities/buildings/solar-panels/additional-resources/NAPC-Solar-Panel-Guidelines.pdf>

a building where it cannot be touched. By contrast, using this material for a replacement column on an entry porch where people will frequently touch it may not be suitable. Using alternatives on secondary walls, especially those not visible from the public way, may also be an option.

Impact on existing materials

Some new materials may interact negatively with other historic materials and accelerate deterioration. Combining some different metals, for example, can create a corrosive condition.

Extent of the replacement

A somewhat separate consideration is how extensive the need is to replace original materials, in terms of maintaining the integrity of the historic property. Replacing a single cornice with a substitute may have little effect. Wholesale replacement of all stone sills, window arches, moldings and foundations with cast concrete could threaten the historical significance of the property.

Addressing Alternative Materials in the Design Guidelines

Design guidelines should be as clear as possible about the use of alternative materials. If alternative materials are permitted, a discussion about appropriate locations should be integrated into the document; otherwise, creating a supplemental chapter or policy paper is an option.

B. Sustainability and “Green” Issues

Achieving energy efficiency and promoting sustainability and green building are major issues that commissions are now addressing. These issues are not new, but perhaps the level of activity and interest is.

Does energy conservation “trump” preservation, or are the two mutually achievable? Design guidelines lack clear direction about how to balance green building objectives with the charge of protecting cultural resources. The basic principles of most guidelines call for preserving original materials and other character-defining features as well as respecting the inherent energy-saving properties of historic resources, but they usually address sustainability indirectly, particularly with respect to the way in which “building green” is seen today.

What is Sustainability?

Sustainability is widely recognized as having three components:

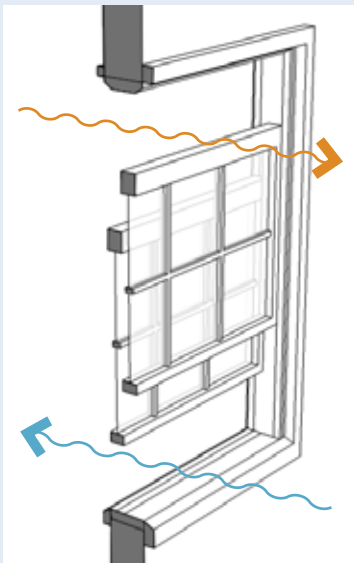
- (1) cultural/social,
- (2) economic, and
- (3) environmental.

Historic preservation contributes to all of these, and to some extent all three may be addressed in design guidelines. This is because sustainability is a more global value underlying historic preservation, although it may not be so clearly articulated in some preservation ordinances and design guidelines.

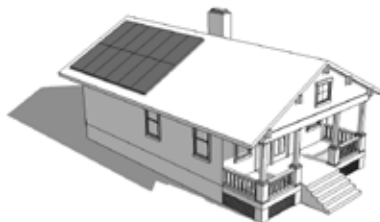


This glass enclosure is a non-invasive strategy for a weatherization improvement. It captures winter heat on a front porch, while retaining the building's historic character and materials.

Double-Hung Window Ventilation



The double-hung windows found in many historic structures allow for transferring cool air in and warm air out during summer months.



Locating solar panels and energy generating devices to the rear of a historic residence minimizes visual impacts.

Key Sustainability Concepts

As with the issue of substitute materials, the theory of sustainability and its related technologies continues to evolve. Consider these factors:

Keep the big picture

First, it is important to keep the big picture in mind. Don't become absorbed with evaluating the merits of a specific energy-saving device and its impacts on a historic property without first understanding how it fits into an overall strategy for the property.

Resource conservation

Preserving historic buildings and their materials avoids negative impacts from new construction. New building construction requires a tremendous amount of fossil fuels and other natural resources, which release greenhouse gases into the atmosphere and cause other negative effects.

Landfill reduction

Preserving a building reduces the amount of discarded building material that ends up in landfills.

Life cycle analysis

When considering the life cycle of building materials, one must not only consider the energy consumed to create the materials, but also environmental costs, such as resource depletion and pollution. These ideas may be difficult to convey, but it is important to set out these concepts as a foundation for the guidelines. Comparing these "costs" to the longevity of the material is key to life cycle analysis. Often more traditional materials will score the highest, because they will last longer and have less pollution associated with their manufacture, in contrast to some newer materials that may appear cost-effective early on, but are not as durable over time. Some synthetic materials used in windows are often cited as examples.

Typically a commission will not directly evaluate the life cycle performance of materials that are proposed for

alterations, but the technical information related to this topic can assist property owners in developing a strategy for sustainability. It also will underpin reasoning to retain older, significant materials that do have longer life cycles than some replacements would.

Energy conservation

Reducing energy consumption for a property is a key objective for many property owners, and should be addressed in the design guidelines. Often, sealing leaks and adding insulation to ceilings and floors will be the most effective.

Energy generation

The companion piece to energy conservation is energy generation, in the interest of reducing demand on public utilities and minimizing operating costs. Examples of energy generation methods include solar panels and wind turbines. Since property owners may be immediately attracted to these two approaches, they should be placed in context with other elements of sustainability in the introductory materials.

Developing a Strategy for a Property

A property owner should outline an overall strategy for energy conservation and generation as it relates to their property. This strategy should include an energy audit, an evaluation of existing systems, and a list of established goals for achieving savings. Several good publications exist that describe how to prepare a strategy for older buildings.

Here are some basic steps to suggest to property owners in preparing a strategy:

Conduct an energy audit

An energy audit often reveals a number of opportunities to reduce energy consumption. For more information on how to conduct an energy audit on your historic property, contact your local city government.

GUIDELINES FOR COMMISSIONS:

The National Trust for Historic Preservation has published a booklet of advice for commissions considering writing guidelines for sustainability called *Developing Sustainability Guidelines for Historic Districts*.

See: <http://www.amazon.com/Developing-Sustainability-Guidelines-Historic-Districts/dp/0891333991>

NATIONAL TRUST'S SUSTAINABILITY PROGRAM:

The National Trust for Historic Preservation's sustainability work is focused on finding federal, state and local policy solutions that level the playing field for older buildings and enable people to save and improve the energy performance of the places they care about. The National Trust is working through the Seattle-based Preservation Green Lab with national partners to pioneer new policy solutions that will ensure historic buildings can remain vital parts of sustainable communities across the country.

The National Trust's sustainability program website offers information that is useful to commissions on everything from the retrofitting your wood windows to the latest information from the Preservation Green Lab and Capitol Hill.

Set project goals for sustainability

Setting goals will help place individual actions into context, and may, for example, demonstrate that priorities for energy conservation should be to increase insulation in walls, ceilings, and foundations rather than replacing windows.

Identify management opportunities

Management strategies for energy conservation (such as raising and lowering awnings to adjust temperatures, or using a ceiling fan to de-stratify air) should also be used.

Develop an overall strategy for the property

When a property owner can present a strategy as a part of their application for a Certificate of Appropriateness, it also can help the commission consider the potential benefits of the actions proposed. If the strategy contains audit findings, this information may help place a specific request, such as window replacement, into context in terms of payback of investment.

Basic Principles for Sustainability and Preservation

The following principles should apply to all projects:

Think big, act small

When planning any project, first determine the overall goal, and then consider which method of achieving that goal will use the fewest resources and have the least impact to the historic structure.

For example, a comprehensive approach will usually demonstrate that replacing windows is not an effective conservation strategy.

Make best use of inherent conservation features

Make best use of a building's inherent sustainability features as a first step.

For example, use awnings to moderate temperatures.

Minimize negative impacts on the historic resource when installing a new component

It is important that new components should leave no permanent negative impacts to the structure. Locate a new component where it will not damage, obscure, or remove significant features or materials. Maintain the ability to interpret the historic character of a building when retrofitting for energy conservation or generation. For example, locate a solar collector to be visually unobtrusive.

Use materials that minimize environmental impacts in their manufacture and maintenance

Such materials include those that are produced locally, are manufactured without use of harsh chemicals, have long life cycles, are durable in the local climate and are designed to be repairable and recyclable.

For example, some vinyl windows may use harsh chemicals and have short life cycles.

Use Construction Methods That Minimize Impacts on Landfill and Reduce Waste

Preserving as many existing building features as possible reduces demolition waste, and reduces construction waste generated by replacement building materials. Remove only what is necessary and reuse as much material as feasible on-site. Repurpose as much of the remaining building materials and components as possible to minimize waste and demand for landfill space.

For example, avoid sending original windows to the landfill.

THE SECRETARY OF THE INTERIOR'S STANDARDS AND GUIDELINES FOR SUSTAINABILITY:

Published in 2011, these supplement the SOI's Rehabilitation Standards, addressing energy conservation techniques in detail.

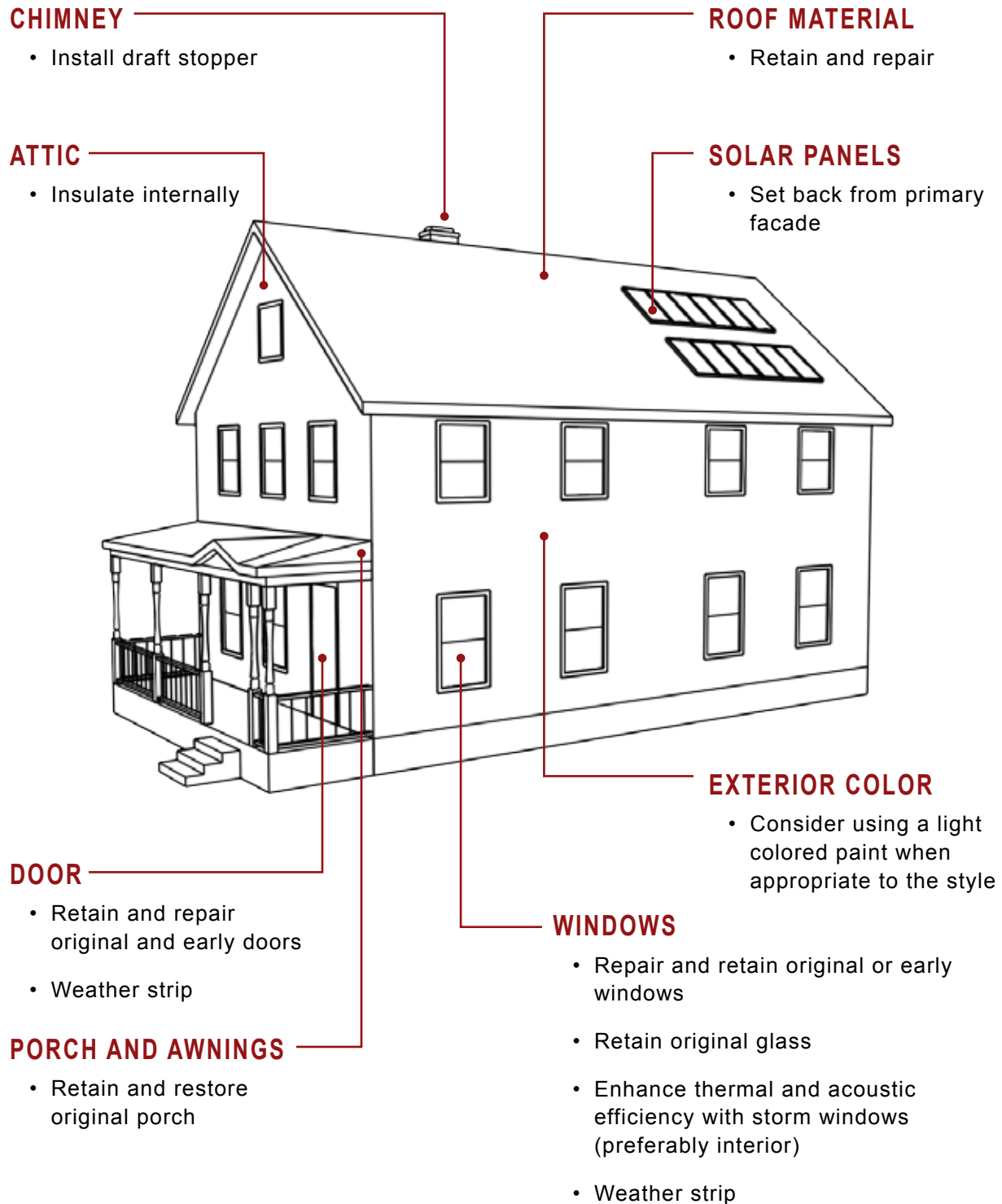
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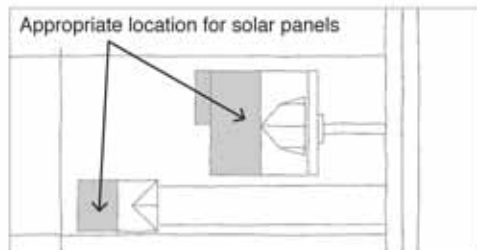
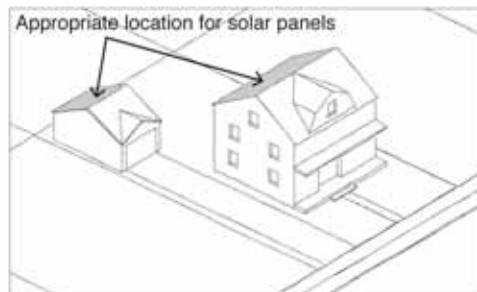
***Illustrated Guidelines
on Sustainability for
Rehabilitating Historic
Building***

[https://www.nps.gov/tps/
standards/rehabilitation/
sustainability-guidelines.
pdf](https://www.nps.gov/tps/standards/rehabilitation/sustainability-guidelines.pdf)

Residential Building Efficiency Diagram

This diagram summarizes the principal guidelines for a rehabilitation project for energy efficiency on a residential building. These measures can enhance energy efficiency while retaining the integrity of the historic structure.





Guideline 9.1: Solar panels should be located to the side or rear roof planes or on a secondary structure (all gray surfaces).



Guideline 9.1: Solar panels should be mounted flush with the roof.

9.0 SOLAR PANELS

Solar panels should be located in unobtrusive places. If it is necessary to mount solar panels on a historic building, rather than elsewhere on the site, it is essential that the panels are installed such that they do not change the character of the building. If solar panels are placed on a roof they should be designed and positioned to have a minimal effect on the character of the structure. Placement on rear facing roof planes of the primary structure should be considered first.

Design Objective

Solar panels should not adversely affect the historic character of the structure to which they are being added.

9.1 Reduce the visual impacts of solar panels as seen from the public right-of-way.

- Locate the solar panels away from public view when feasible.
- Solar panels should be mounted apart from the building or on secondary structures, such as a shed or garage, when feasible.
- Solar panels should be located on new construction, such as a new wing, where possible.
- Locate an attached solar panel in a manner such that it does not affect the primary roof facade elevations.
- Location on a primary or street facing roof plane is generally inappropriate.
- Where roof mounted, solar panels should be flush to the extent feasible.
- If not attached to the building, collectors should be located in side or rear yards. Exposed hardware, frames and piping should have a matte finish, and be consistent with the color scheme of the primary structure.
- Panels not attached to the building should be screened by landscaping to reduce their visibility. However, screening may diminish the effectiveness of the collectors to receive sunlight.
- Alternative technologies, such as photovoltaic shingles, may be appropriate in certain circumstances.

Preservation guidelines for Montgomery County, MD recommend that solar panels be located on secondary structures or subordinate portions of the primary buildings, when feasible. Some other communities are more flexible, providing guidance about design details of the panels on a primary elevation. Still other commissions take a stricter position, prohibiting them when visible from the public way.

INFO ON WINDOWS:

The National Alliance of Preservation Commissions has published several helpful papers on windows and energy savings.

Publications include:

What Replacement Windows Can't Replace: The Real Cost of Removing a Historic Window.

<http://napcommissions.org/wp-content/uploads/2013/08/what-replacement-windows-cant-replace.pdf>

Replacement window manufacturers will often compare their product to a historic wood window that has not been restored or maintained – a window that fits this description will undoubtedly be drafty and inefficient. In most cases, however, a fully-restored, tight-fitting, properly functioning, weather-stripped wood window combined with a quality storm window will have the same insulating properties as a double-glazed replacement window. Other steps can be taken to reduce heating bills, such as insulating attics and floors; the U.S. Department of Energy notes that 31% of air infiltration is at floors, walls and ceilings, and only 10% at windows.

C. Windows on Historic Buildings

Replacing Windows

One challenge that commissions face is how to respond to a request to remove an existing historic window and replace it with a new one. This raises questions about the significance of the window, its condition and the character of the proposed replacement. This can be a highly charged conversation, with the debate all-to-frequently jumping to the merits of the proposed replacement rather than first determining if replacement is necessary at all.

Windows are some of the most important character-defining features of most historic structures. They give scale to buildings and provide visual interest to the composition of individual facades. Distinct window designs in fact help define many historic building styles. Because windows so significantly affect the character of a historic structure, the treatment of a historic window and the design of a new one are therefore very important considerations.

Window Features

The size, shape and proportions of a historic window are among its essential features. Another important feature is the number of “lights,” or panes, into which a window is divided. The design of surrounding window casings, the depth and profile of window sash elements and the materials of which they were constructed are also important features. Early windows in Minnesota were made of wood but metal casement windows also were popular, particularly on industrial buildings and in later Modernist styles. In either case, they had distinct dimensions, profiles and finishes. These are important considerations for commissioners when evaluating an existing window and any potential replacement.

Deterioration of Historic Windows

Properly maintained, original windows will provide excellent service for centuries. Most problems that occur result from a lack of maintenance. Water damage and the ultra violet degradation caused by sunlight also are major concerns. If surfaces fail to drain properly, water may be introduced. Condensation during winter months also can cause problems.

General Rehabilitation Design Guidelines

Resource Category	Historic Resource with Historic Window	Historic Resource with Non-Historic Windows	New Additions	Accessory Structures/Out Buildings: Historic	Accessory Structures: Non Historic or New Construction
Master Plan Site	Primary Elevation: Repair historic windows; if beyond repair, wood TDL	Primary Elevation: Wood TDL appropriate for resource type/style	Visible from Public Right of Way (PRW): Wood TDL appropriate for resource type/style	With historic windows: Repair historic windows; if beyond repair, wood TDL	Wood SDL appropriate for resource type/style
	Secondary Elevation: Repair historic windows; if beyond repair, wood TDL	Secondary Elevation: Wood TDL appropriate for resource type/style	Not visible from PRW: Wood SDL appropriate for resource type/style	Nonhistoric Windows: Wood SDL appropriate for resource type/style	
Outstanding	Primary Elevation: Repair historic windows; if beyond repair, wood TDL	Primary Elevation: Wood TDL appropriate for resource type/style	Visible from Public Right of Way (PRW): Wood TDL appropriate for resource type/style	With historic windows: Repair historic windows; if beyond repair, wood TDL	Wood SDL appropriate for resource type/style
	Secondary Elevation: Repair historic windows; if beyond repair, wood TDL	Secondary Elevation: Wood TDL appropriate for resource type/style	Not visible from PRW: Wood SDL appropriate for resource type/style	Nonhistoric Windows: Wood SDL appropriate for resource type/style	
Contributing	Primary Elevation: Repair historic windows; if beyond repair, wood TDL	Primary Elevation: Wood SDL appropriate for resource type/style	Visible from Public Right of Way (PRW): Wood SDL appropriate for resource type/style	With historic windows: Wood SDL appropriate for resource type/style	Wood SDL appropriate for resource type/style
	Secondary Elevation: Repair historic windows; if beyond repair, wood TDL	Secondary Elevation: Wood SDL appropriate for resource type/style	Not visible from PRW: Wood SDL appropriate for resource type/style	Nonhistoric Windows: Wood SDL appropriate for resource type/style	
Non Contributing	No restrictions for primary or secondary elevations			No restrictions on existing nonhistoric or new accessory structures, whether they are visible or not visible from PRW	
Infill/New Construction on Master Plan Site or District	Primary structure: Wood SDL appropriate for resource type/style			Accessory Structures: Wood SDL appropriate for type/style	

These are minimum standards. The majority of projects subject to HPC review involve light wood frame construction, which traditionally had wood windows. The window guidance above is specific to these types of resources. Other types of resources may traditionally have used windows constructed of materials other than wood, and in those cases the use of other window materials may be appropriate. Contact County staff for interpretation of rating a Resource Category.

- TDL: *True Divided Light*
- SDL: *Simulated Divided Light*

Design guidelines for Montgomery County, MD provide more detailed guidance about replacement windows in general, which can also apply to energy efficiency retrofit questions. The guidelines remain more strict about replacements on primary walls and on contributing structures.



Repair of Historic Windows

As with other historic features, preservation in place is the preferred approach. Whenever possible, a historic window should be repaired, rather than replaced. In most cases it is in fact easier, and more economical, to repair an existing window rather than to replace it. Even when replaced with an exact duplicate, a portion of the historic building fabric is lost and therefore such treatment should be avoided.

When is Replacement Appropriate?

When considering whether to repair or replace a historic window, commissioners should consider the following:

First, determine the window's architectural significance.

Is it a key character-defining element of the building? Typically, windows on the front of the building and on sides designed to be visible from the street, are key character-defining elements. A window in an obscure location, or on the rear of a structure, may not be. Greater flexibility in the treatment or replacement of such secondary windows may be considered. Also, in some cases, the window in question may be a more recent alteration and therefore will lack significance.



Second, inspect the window to determine its condition.

Distinguish superficial signs of deterioration from actual failure of window components. Peeling paint and dried wood, for example, are serious problems, but often do not indicate that a window is beyond repair. A rotted sill may dictate its replacement, but it does not indicate the need for an entirely new window. Determining window condition must occur on a case-by-case basis; however as a general rule, a window merits preservation, with perhaps selective replacement of components, when more than 50% of the window components can be repaired. Commissioners may ask for a window-by-window survey of a property, rather than considering an all-or-nothing approach to a replacement request.



Third, determine the appropriate treatment for the window.

Surfaces may require cleaning and patching. Some components may be deteriorated beyond repair. Patching and splicing in new material for only those portions that are decayed should be considered in such a case, rather than replacing the entire window. If the entire window must be replaced, the new one should match the original in appearance.



Energy Conservation

In some cases, owners may be concerned that an older window is less efficient in terms of energy conservation. In winter, for example, heat loss associated with an older window may make a room uncomfortable and increase heating costs. In fact, most heat loss is associated with air leakage through gaps in an older window that are the result of a lack of maintenance, rather than loss of energy through the single pane of glass found in historic windows. Glazing compound may be cracked or missing, allowing air to move around the glass. Sash members also may have shifted, leaving a gap for heat loss.



The most cost-effective energy conservation measures for most historic windows are to replace glazing compound, repair wood members and install weather stripping. These steps will dramatically reduce heat loss while preserving historic features.

If additional energy savings are a concern, consider installing a storm window. This may be applied to the interior or the exterior of the window. It should be designed to match the historic window divisions such that the exterior appearance of the original window is not obscured.

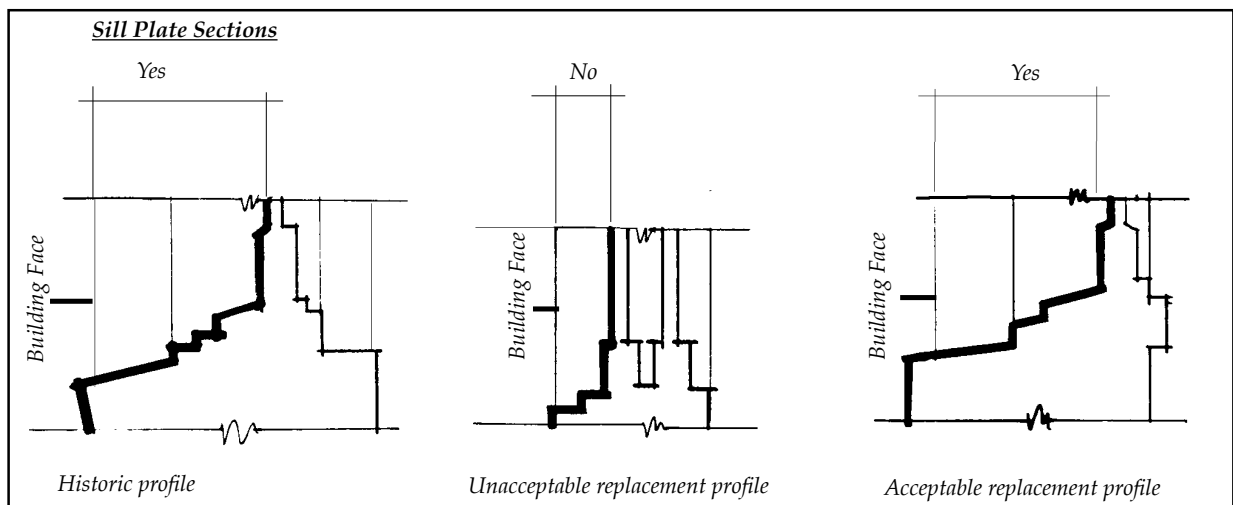




Replacement Windows

While replacing an entire window assembly is discouraged, it will be necessary in some cases. When a window is to be replaced, the new one should match the appearance of the original to the greatest extent possible. To do so, the size and proportion of window elements, including glass and sash components, should match the original. In most cases, the original profile, or outline of the sash components, should be the same as the original. At a minimum, the replacement components should match the original in dimension and profile and the original depth of the window opening should be maintained.

A frequent concern is what the material of the replacement window should be. While wood was most often used historically, metal and vinyl clad windows are common on the market today and sometimes are suggested as replacement options by window suppliers. In general, using the same material as the original is preferred by most preservationists. If the historic window was wood, then using a wood replacement is the best approach, especially in highly visible locations. However, some commissions will consider permitting alternative materials if the resulting appearance will match that of the original, in terms of the finish and the profile of sash members. The substitute material also should have a demonstrated durability in similar applications in this climate.



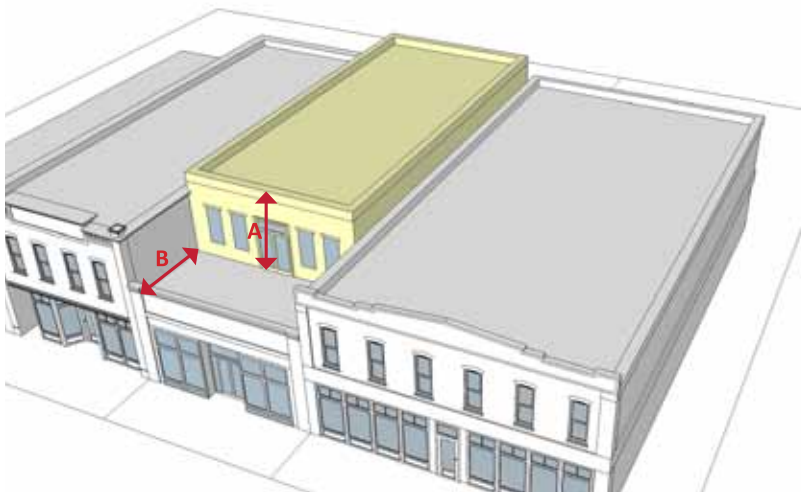
When replacing a historic window, match the profile of the sash and its components, as closely as possible to that of the original window.

D. New Additions to Historic Buildings

Commissions often struggle with proposals to construct additions to historic buildings. Adding on is certainly a part of our heritage, and it can signify good things relevant to preservation: A desire to continue the life of an existing building, a healthy economy and a vital neighborhood. As such it can be a part of accommodating change while preserving the integrity of historic resources. In reviewing a proposal for an addition, it is important to evaluate it in an orderly informed manner. Be careful not to jump to a single issue, such as size or style, without considering more fundamental aspects of the design first.

Different types of additions may be proposed:

First is a ground level addition, which involves expanding the footprint of the structure. This is often located to the rear of the primary building, but sometimes is to the side. Secondly, a rooftop addition may be proposed. On a house, this may involve constructing a new dormer to provide more headroom in an attic space. For commercial buildings, a rooftop addition may be added, often set back from the front wall.



Rooftop addition where the setback distance was required to equal the height of the new addition.



Key principles for additions are:

Minimize negative effects on historic building fabric

When planning an addition to a historic building or structure, one should minimize negative effects that may occur to the historic building fabric as well as to its character. While some destruction of historic materials is almost always a part of constructing an addition, such loss should be minimized.

Maintain the ability to perceive the historic character of the main building

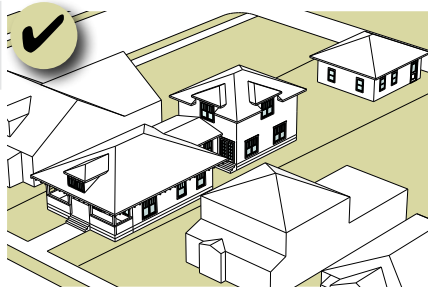
The addition also should not affect the perceived character of the building. In most cases, loss of character can be avoided by locating back away from the front of the building. The overall design of the addition also must be in keeping with the design character of the historic structure. Most preservationists advocate a design that is distinguishable, albeit in subtle ways, from the historic portion, such that the evolution of the building can be understood. It is also important that an addition not obscure significant features of the historic building. Keeping the design subordinate in character also helps minimize its visual impacts. That is, the design should avoid calling attention to itself with highly ornate details or exotic forms.

Maintain the ability to interpret the character of the district

In a historic district, the commission also should consider the effect that the addition may have on the character of the area. For example, a side addition may change the sense of rhythm established by side yards in residential block if it is too large or is located too close to the front wall of a house in a row of single family structures.

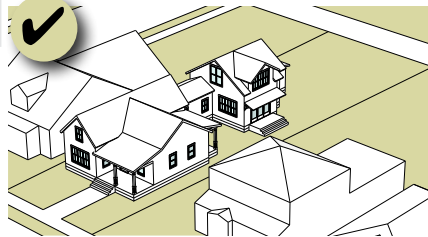
Classic Cottage and One-and-a-Half Story Addition with Accessory Building

This rear addition is taller than the original building but is still clearly differentiated with a connecting element to achieve an acceptable level of compatibility with the historic building and context.



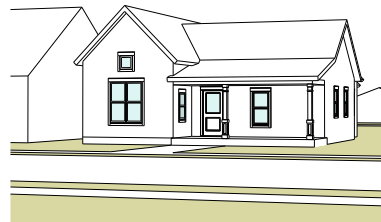
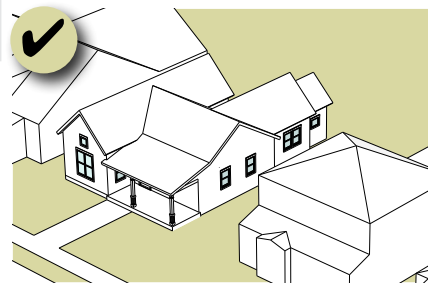
L-Shaped Building and One-and-a-Half Story Addition

This rear addition is similar in height to that of the original building, but is still clearly differentiated with a connecting element to achieve an acceptable level of compatibility with the historic building and context.



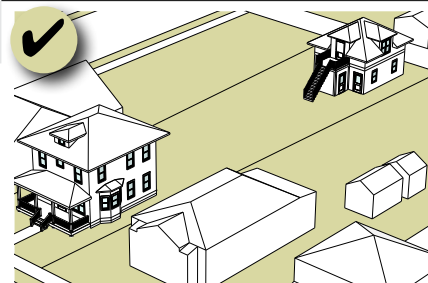
L-Shaped Building with Modest Addition

This modest rear addition steps down in height to that of the original building, and achieves an exceptional level of compatibility with the historic building and context.



Four Square and Two-Story Addition plus Carriage House

This Carriage House addition is located along the alley and achieves an exceptional level of compatibility with the historic building and context.



Additions example from Fort Collins Design Guidelines.

Impact Considerations for an Addition

Impact considerations address the visual and physical impacts of the addition on the integrity of the property, and one's ability to perceive its historic character, as well as that of its context.

Some impact-related factors to consider include:

- The impact on the historic structure
 - Is the addition visible?
 - Does the addition remain visually subordinate to the historic structure?
 - Is one's ability to interpret the historic character retained? (Especially in terms of perceiving the original mass, scale and prominence of the property)
 - Are alterations to key character-defining features avoided or at least minimized?
 - Is the structural integrity of the property retained, or even improved?
- The impact on the abutting contributing properties
 - Is one's ability to interpret the historic character of the abutting properties retained? (Especially in terms of perceiving their original mass, scale and relative prominence on the street or from other public vantage points?)
- The impact on the block as a whole
 - Are the rhythm and alignment of structures and their key features typical of the block retained?
 - Is the perception of the scale of structures along the block retained, as experienced at the street level?
 - If the character of an alley wall is also a key feature, is its scale also retained?

Design Variables for an Addition

Design variables include basic scale and proportion considerations that relate to the compatibility of the addition with the primary structure and surrounding historic context.

Design variables to consider include:

- The height of the addition
Keeping floor heights in the range of those on the historic structure, or even lower, may help keep an addition visually subordinate to the historic structure.
- The degree of setback
Does the original primary façade (front) remain visually prominent? An addition should be set back from the façade and other key walls that contribute to the character of the property. The setback should be a sufficient distance such that the historic structure remains prominent.
- Simplicity of design
Is the design of the addition subordinate in character? The design should be relatively simple in architectural character and detailing, such that it does not call undue attention to itself. The historic structure should remain the prominent feature.

E. New Construction in Historic Districts

Commissions often struggle with the question of what “style” should be permitted in a historic district. Should it be one that copies the historic buildings in the area? Or should it be distinguished as new?

Compatible but Contemporary

The broadly held philosophy for new construction in a historic district is that it should be compatible with the historic setting without confusing the history and evolution of the area. This means that new buildings should reflect their own time and be distinguishable from their historic neighbors. At the same time, they should not contrast so jarringly as to inhibit one's ability to interpret the historic character of the district. In this approach, overall character of the area is retained, while accommodating change. It has these features:

- The evolving character of the area is reflected.
- Historic resources, from all periods of significance, are preserved.
- Historic resources and other traditional buildings provide the context for new construction, in terms of form, materials, etc.
- New buildings express their true age, but are compatible with the historic context by drawing upon basic design relationships that are essential to the area.

This approach is preferred by historians. It reflects the evolving story of the district, while providing a compatible setting for the genuine historic resources that exist. It also permits flexibility in responding to changing markets and functional requirements. It is the one most widely used across the country and is consistent with the Secretary of the Interior's Standards. In addition, it adapts well to areas that have several layers of history, different themes of development or many periods of significance.





In this approach, the design for a new building is based on basic features that are similar to those of historic structures, but the results do not literally mimic historic styles. The design is compatible in mass, scale and character, but subtle differences in stylistic treatment make the building distinguishable as new construction. In this way, one can read the evolution and change of the district, while also retaining a visually compatible sense of time and place.

Defining the key, underlying features of the area is important, and basic neighborhood characteristics of mass, scale and materials must be respected in new construction, even though “contemporary” designs are allowed. Not that the term “contemporary” in this sense refers to the current period, not to a particular architectural style.

Historic References in New Designs

While the “contemporary” approach is preferred by most communities, some also permit designs that are more imitative of historic styles. Because the new buildings copy the historic styles, one is generally assured that they will be visually compatible with their historic neighbors. However, this can be a “slippery slope,” in which poorly executed imitations may creep into the district. An oversized box, decorated with a few Victorian era brackets, does not guarantee compatibility!

A liability of this approach is that it can, to some extent, change the apparent history of the area and the physical record of the evolution of the street can be blurred. If development occurs that is similar in location, scale and character to that seen historically, at least a reasonably accurate story can be discerned. If, however, the new development is different in scale and siting from that seen historically, even though the styles appear to be from the period of significance, the message may be garbled. Most historians discourage this approach because it is deceiving. That said, commissions may often approve such designs. What is important is that the theoretical implications of the decision to do so is understood.

CHAPTER 9: WHERE DO WE GO FROM HERE?

The preceding chapters provide an overview to the key components of a preservation program at the local level and notes some of the benefits of preservation to the community. They even touch on some of the trends that may affect ways in which commissions operate. Now, its time to place that information into a broader context. This final chapter therefore returns to some of those earlier topics and presents them in a more holistic view.

In This Chapter:

- A. Current Trends
- B. Keep Challenges in Perspective
- C. Reaching Out
- D. Your Work is Valued!
- E. Thank You for Your Service!

INFO ON HEALTHY COMMUNITY INITIATIVES:

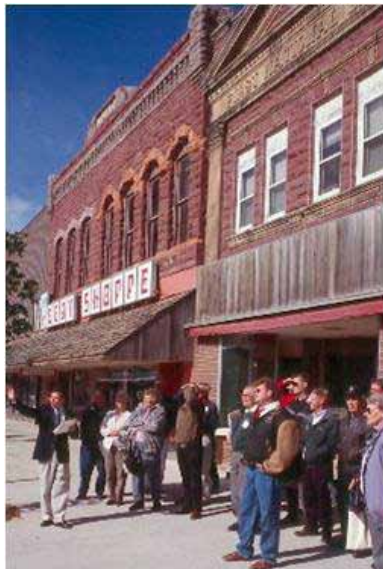
Additional information regarding healthy community initiatives can be found at:

Overweight and Obesity Prevalence Higher in Less Walkable Neighborhoods

See: <http://www.thecardiologyadvisor.com/prevention/transportation-options-and-diabetes-obesity/article/498777/>

Walking Historic Tour Intersects with History and Health

See: <https://norfolk-state.wordpress.com/2016/05/16/walking-historic-tour-intersects-with-history-and-health/>



A. Current Trends

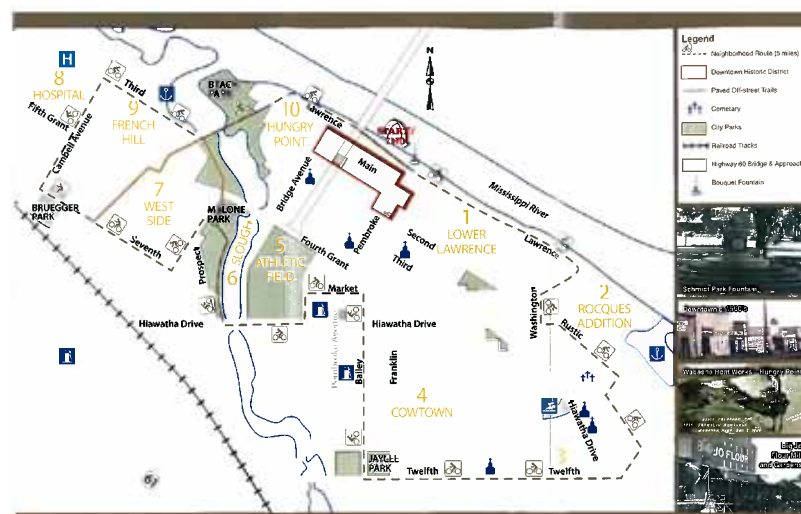
Preservation programs continue to address new issues and opportunities in response to changing trends in community development and public policy. These include considerations of sustainability, public health and economic development. Other changes relate more specifically to technical aspects within the field itself, as new technologies are applied to traditional components of preservation programs and as awareness about what constitutes heritage continues to evolve. Preservationists should be alert for these changes and be prepared to respond to these new issues and opportunities. Here are some examples of current trends:

Heritage Tourism

The tourism industry is the second-leading industry in the nation, creating local jobs, business opportunities and enhancing property values. Well-developed tourism programs improve the quality of life and instill pride in communities throughout the state. Preservation commissions know that keeping historic resources in good condition is a fundamental cornerstone of a heritage tourism program. By protecting these places, the heritage tourism “product” will be available for others to use and experience.

Healthy Community Initiatives

Planning for community health is growing as a field of interest. For preservationists, this means demonstrat-



ing that older neighborhoods and downtowns provide walkable places that encourage exercising and that offer opportunities to access goods and services. It also means thinking about how daily needs and services can be accommodated within convenient walking distance of historic neighborhoods and about how historic buildings can be adapted to house services related to healthy communities. This includes providing access to healthy foods as well as places for social interaction as a community. The Statewide Health Improvement Program is one such community initiative aimed to help make healthy choices easier. Wabasha County is one county that is implementing the program, starting a bike lending program, educational outreach programs to local schools and opening a farmers market.

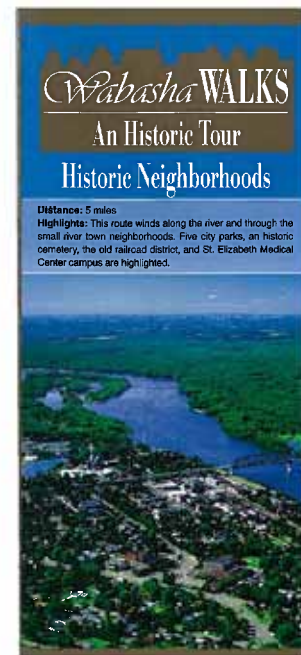
The City of Wabasha published four “Wabasha Walks” brochures in 2010 that focus on linking heritage tourism with a healthy community initiative. Among the local groups that provided assistance on the project was the Wabasha Fit City Coalition, which was organized in 2007 with the vision:

Our Vision is for all Wabasha/Kellogg residents to be “Feeling Better Every Day”! Our Mission Statement is “To encourage wellness of mind, body and spirit among Wabasha/Kellogg residents of all ages.”

New Ideas about Diversity

A growing number of people are interested in broadening the diversity of those socio-economic groups that are represented in the resources that we seek to protect. This includes racial minorities and members of distinct cultural groups. It also extends to engaging representatives of these groups in actively preserving resources and in joining local commissions. As historic neighborhoods experience changing demographics, the way in which they are used and valued can change. This brings a new level of “richness” to the meaning of these places.

The Eastside Neighborhood Development Corporation is one example of an organization working to bring affordable





housing to all parts of St. Paul, including historic areas and the reuse of historic buildings. The ESNDC utilizes the Low Income Housing Tax Credit federal program to make rent affordable to lower income tenants. The ESNDC is a 37 year old affordable apartment community whose mission is to foster a safe, diverse and thriving neighborhood by engaging the community to create affordable housing and support commercial development.



Coordinating with Other Planning Initiatives

Commissions will continue to see their programs more closely coordinated with other planning movements. This includes comprehensive plans as well as affordable housing programs, and sustainability initiatives. For instance, Mankato's residential rehabilitation grant monies are available for projects that benefit low-to-moderate income households.



Commissions will also see a range of tools being refined to help address community character; sometimes these tools may be applied as alternatives to historic district designations. These include the use of conservation districts, form-based codes and other more context-sensitive zoning.

New Incentives for Preservation

Commissions will see new types of incentives that are offered to reward good stewardship of historic resources. These may include offering sales tax rebates on materials purchased locally that are used in appropriate rehabilitation projects, greater flexibility in zoning codes and technical assistance in planning improvements to historic properties.

Recognition of New Types of Resources

Increasing interest in identifying properties from “the Recent Past,” those from the mid-twentieth century, as having historic significance, will continue. These resources will also stimulate new approaches to their “treatment,” in terms of how best practices in preservation may apply to them. Some of these buildings were constructed with new, experimental materials of the time and may raise new technical issues.

New Technologies

Emerging technologies will continue to provide new ways of identifying historic resources and in managing them. This includes use of digital devices in the field to survey historic resources, the use of Geographic Information Systems in combining survey information with other planning information; the use of drones to survey existing resources; 3D printing to potentially model resources; LIDAR surveying technology that measures distance by illuminating a target with laser light; and the use of smart phones and related devices in heritage interpretation and tourism. Podcasts are another such emerging technology. The cities of Faribault and Red Wing have both used podcasts to highlight historic buildings and sites in their historic districts, organized in the format of walking tours.



These are among the exciting trends that bring new opportunities and issues to those engaged in preservation. This leads to the need for on-going education and promotion related to preservation.

B. Keep Challenges in Perspective

There also will be losses. Each commission encounters some situations in which resources are lost, for a variety of reasons. While these will be disappointing, it's important to keep a perspective. What is most important is to handle these disappointments in a professional manner and to recognize that for each of these losses there are many, many successes. Often, a commission's achievements go less appreciated because they attract less public attention.

There also will be a time when a controversy arises which the public may not fully understand. This also is a time to remain calm and proceed following proper procedures and to recognize that explaining your actions is sometimes just as important as the actions themselves.

In all of these situations, keep the long-term life of the preservation program in mind; rest assured that over all, the cumulative benefits of individual preservation actions in your community will be appreciated in the future!



C. Reaching Out

Looking forward, the role of commissions as “ambassadors” for cultural heritage will continue to be a key role. These are some ways in which that is happening:

Education and Promotion of Preservation

An on-going need exists to further public recognition of historic resources and build an awareness of best practices in their stewardship. It’s also important to continue to report on the successes of HPCs such that the public better understands your positive contributions to the community.

Building Partnerships

Commissions must continue to build partnerships with other community groups, property owners and interested citizens to collaborate on projects that involve historic properties and districts. Partnerships can be created in a variety of ways, including preservation events, educational lectures or classes, and open houses, among many others. It’s an important team-building role with others in the community, and is important to maintain a relationship once created to continue to gain support for preservation.

There is Help Out There!

Commissions are not alone in promoting historic preservation. First, there are other peer commissions across the state who can provide a network of support. Other special resources are the statewide nonprofit preservation organization, Preservation Alliance of Minnesota and the staff of the Heritage Preservation Department at the Minnesota Historical Society. At the national level, the National Alliance of Preservation Commissions is a very useful resource as well (See Chapter 1 for additional information).

D. Your Work is Valued!

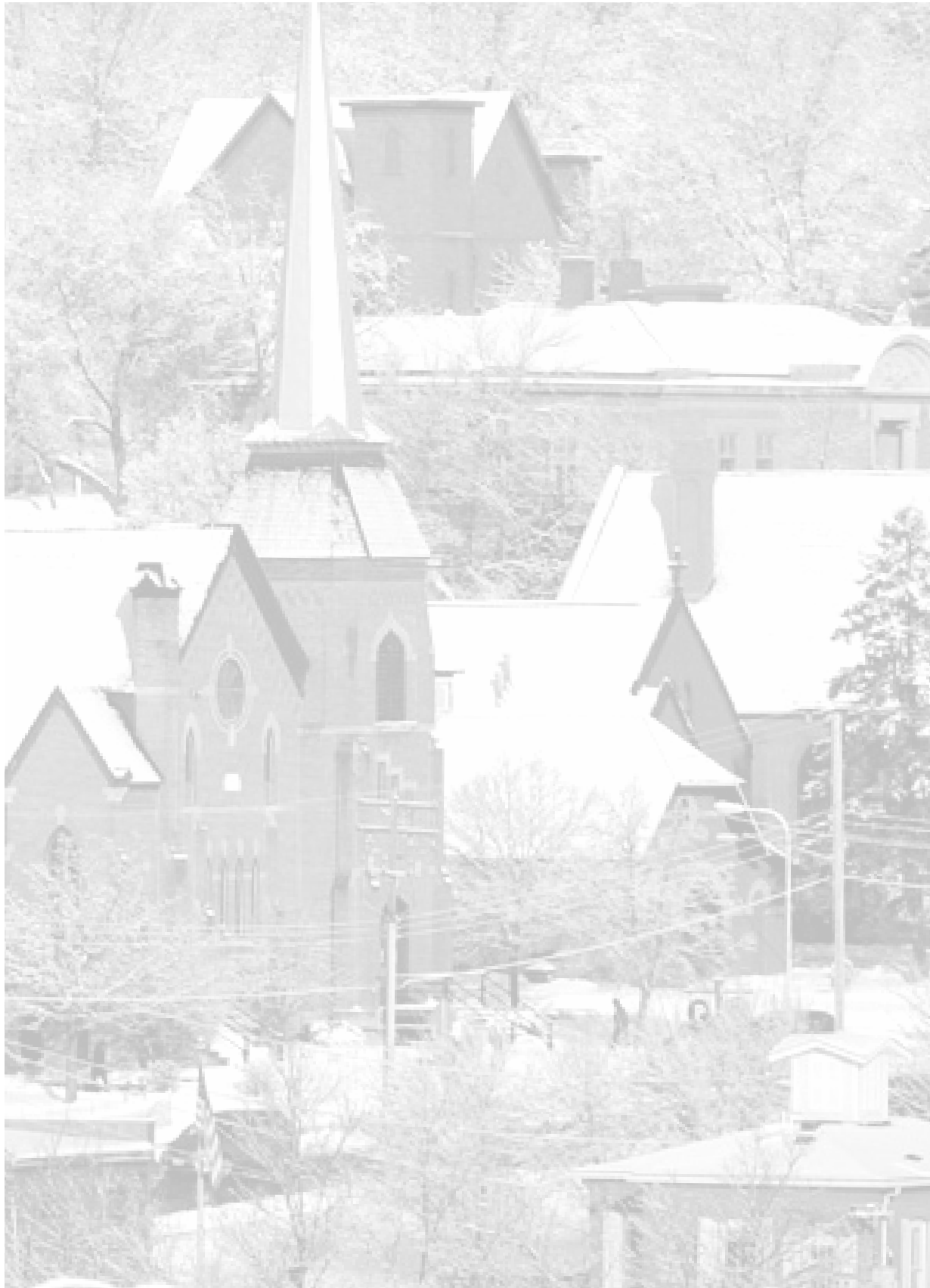
Finally, it's important to know how valuable commissions and their staff are to our communities. As commissioners, you're a part of the future of preservation and of Minnesota. While the focus of your responsibilities may be on preserving historic resources, they also contribute in many aspects to community development and livability. In that respect commissioners play an extremely valuable role in promoting an awareness and understanding of our heritage and of the methods used to protect those resources.



It is also important to keep a long-term in perspective. Some preservation actions that you conduct today may not be immediately recognized as being important, but in future years they will be. This may be working to save a resource that is not immediately recognized as being of high value by the broader community, or it may be establishing a new program to build awareness and appreciation of heritage preservation. These achievements will be recognized in the future as being invaluable in promoting heritage preservation, even if not so immediately.

E. Thank You for Your Service!

Finally, thank you for your service. Commissioners give their time to their communities in the interest of promoting the public good. You are appreciated!



GLOSSARY

Approve

To pass a motion by the process of voting, usually by majority or a predetermined percentage “for” vs. “against” votes.

Character-defining features

(Related to descriptions of property types and styles)

Character refers to all those visual aspects and physical features that comprise the appearance of an historic building. Character-defining elements include the overall shape of the building, its materials, craftsmanship, and decorative details, as well as the various aspects of its site and environment.

Certificate of Appropriateness

(Same as Certificate of Approval)

When a heritage preservation commission or design review board reviews and approves proposed changes to a historic building, they issue a Certificate of Appropriateness, a document stating that the proposed work is appropriate for the historic district and meets local code criteria.

Certificate of Approval

(Same as Certificate of Appropriateness)

Circuit Court

(Related to appeals)

A court that sits at two or more places within one judicial district.

Compatibility

(Related to application of design guidelines/criteria, for alterations and new construction)

Designing new buildings or alterations that fit in the context of the historic neighborhood. Some elements of compatible design are: keeping a sense of human scale, using building features and materials of a familiar dimension, such as traditional brick, to maintain the visual continuity in the neighborhood.

Conflict of interest

(Related to hearing procedures, and Due Process)

Occurs when an individual or organization is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other.

Conjectural

(Related to replacement or reconstruction of missing details)

The replacement or reconstruction of building parts and details must be based on physical evidence, historic photographs or writing and not upon conjecture.

Continue

The postponement of a case to a later date, usually the next commission meeting.

Contributing property

(Related to Historic Survey)

A contributing property is any building, structure, object or site within the boundaries of a historic district which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities, or archaeological features. Another key aspect of the contributing property is historic integrity.

Criteria for designation

(Same as Criteria for Significance)

Established criteria for evaluating the eligibility of properties for inclusion in a formal listing of historic resources.

Criteria for significance

(Same as criteria for designation)

Demolition

The tearing down of a portion of, or an entire building or other structure.

Demolition by neglect

Any willful neglect in maintenance and repair of a structure, not including appurtenances and environmental settings, that does not result from financial inability to maintain and repair the structure and that threatens to result in any substantial deterioration of the exterior features of the structure.

Demonstrated special interest

Heritage preservation commissions typically include residents who have shown special interest or experience, or education in history, architecture, archaeology, or other preservation-related fields.

Deny

(Option for a motion action; related to approve, approve with conditions and continue)

A decision which prevents the application for an action from being executed; when a local preservation commission denies an application for a Certificate of Appropriateness, then the work proposed is not authorized.

Design guidelines

(Related to Secretary of the Interior's Standards and Guidelines, and Criteria for Appropriateness in a local preservation ordinance)

Design guidelines are criteria that assist commissions in determining the appropriateness of actions proposed that are subject to their approval. They are usually a separate document from the preservation ordinance, but basic guidelines may be included in the code itself. In all cases, the guidelines should be associated with a set of criteria for appropriateness that are set forth in the ordinance.

Deteriorated beyond repair

(See Demolition by Neglect)

Intentionally allowing a property to deteriorate to the point that it cannot be saved is "demolition by neglect."

Economic hardship

(Related to Takings)

The juncture at which the diminishment in value allegedly resulting from the governmental restriction on the use of the property constitutes an "unreasonable economic hardship" to the owner, which is synonymous with an unconstitutional "taking."

Enabling legislation

Statements and references found in Minnesota Statutes 471.193 or a specific municipal code allowing a specific course of action with regard to historic properties and environmental settings.

Energy efficiency

One aspect of sustainable development and the conservation of resources is conserving energy. This relates to energy consumed to moderate climatic conditions in a building, but also to the manufacture and maintenance of building materials. Sensitive stewardship of the existing building stock reduces our environmental impact.

Ex parte communication

(Related to Due Process; Conflict of Interest)

Communications made to influence a decision-making official off the record and out of the presence of other parties. Ex parte communications are restricted by state and local law.

False sense of historical development

When a newly constructed building or feature imitates or replicates the style and details of an historic building, thus implying a building date that is inaccurate.

Green building

A building designed to make efficient use of physical resources and energy while minimizing its negative impacts to the environment.

Historic fabric

Original or old building materials (e.g. masonry, wood, metals, marble) or construction that make up a structure of historic significance.

Historic property

A prehistoric or historic district, site, building, structure, or object significant in history, architecture, engineering, archeology or culture at the national, state, or local level.

Historic significance

Importance for which a property has been evaluated and found to meet National Register or local criteria.

Individual landmark

Properties identified as having historic significance and formally designated to a local historic register may be listed individually (usually termed a “landmark”), or as a contributing resource in an historic district.

In-kind

(Related to Replacement and Repair)

A process of rehabilitation utilized only where materials are extensively deteriorated or damaged and cannot be repaired. Deteriorated materials or features are repaired with the same materials. This process is based on physical evidence of essential form and detailing of historic materials or features.

Integrity

(Related to Significance)

The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance. A majority of the resource’s structural system and materials and its character defining features should remain intact.

Lenient

(Applies to state statute, related to properties of less significance and new construction)

Refers to the judgment level the commission will maintain in its analysis of plans for structures determined by research not to be historic, archaeological or architecturally significant. The local government’s adopted design guidelines may be applied with more flexibility when stated in the ordinance and in compliance with state statute.

Local designation

(Contrast with National Register of Historic Places)

A local government designates a local historic district or individual local landmark using a formal process defined in its preservation ordinance. This occurs as a part of the community's police powers, and is a zoning action.

Motion

In a commission hearing, a statement entered into the record to approve, continue or deny an application (e.g., to designate a property "historic"). The statement must be seconded and voted upon by the commission. Motions must relate to a relevant provision of the law.

Municipal infraction

Violation of a City's code subject to a civil penalty, usually a fine. Each day of a violation can be viewed as a separate violation.

National Historic Preservation Act

National legislation (Senate Bill 3035) intended to preserve historical and archaeological sites in the United States. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices.

National Register of Historic Places

(Contrast with Local Designation)

An Individually Listed Building or those contributing to a National Register Historic District are listed in the National Register of Historic Places, the country's official list of historic properties and resources worthy of preservation. These individual buildings, structures, sites and objects are significant in American history, architecture, engineering, archaeology and culture.

Non-contributing resource in an historic district

Those properties that do not have historic significance are termed "non-contributing." The reasons for this designation could be that it is of more recent construction; it is an older property that has lost its integrity, or there is insufficient information to determine that the property has historic significance.

Ordinance

(May also be part of unified code)

Legislation adopted by the local governing body; a Preservation Ordinance is a part of the code specifically written to establish a preservation program, including a local commission, its powers and duties, as well as processes for designating historic resources and for reviewing proposals for work affecting them.

Preservation

(One of four recognized appropriate treatments for historic resources)

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Also, in informal usage, members of the public may use this terms in a broader sense, to mean any method of careful stewardship of historic resources.

Procedural due process

While local governments do have the right to regulate properties for preservation, they must do so following procedural due process. Procedural due process is based on the concept of “fundamental fairness.” Procedural due process refers to the manner in which government actions are carried out, that is, the actual process of decision-making. It requires advance notice of the proceedings, final notice of the decision reached and opportunity for individuals directly affected by the proposed governmental action to be heard.

Reconstruction

(One of four recognized appropriate treatments for historic resources)

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation

(One of four recognized appropriate treatments for historic resources)

Rehabilitation is the process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

Restoration

(One of four recognized appropriate treatments for historic resources)

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Routine maintenance

Work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historic, archeological or architectural significance of the historical site or structure.

Significance

(See Historic Significance)

Secretary of the Interior's Standards

Specifications set by the Secretary of the Interior for the treatment of historic properties. Includes separate standards for the preservation, restoration, rehabilitation and reconstruction of historic properties.

Strict

(Related to state ordinance)

Refers to the judgment level the commission will maintain in its analysis of plans for structures determined by research to be historic, archaeological or architecturally significant. When guidelines must be applied strictly, a commission should consider how they apply to all key character-defining features of a property.

Substantive due process

Substantive due process addresses the rationality or reasonableness of the content of a decision itself, requiring that the decision be based on the evidence on the record as applied to the standards and criteria in the ordinance. It also protects individuals from bias, conflicts of interest, and other factors bearing on the impartiality of the decision-makers.

Substitute material

A material that is used in the place of an original, or existing material. In common usage, a substitute material is a newer product, usually designed to imitate the appearance of an earlier material.

Sustainability

(Related to energy efficiency and green building)

Sustainability is the managed use of resources in order to maintain the quality of life for current and future generations. It includes social, environmental and economic components. Energy conservation, which is often a topic related to preservation of historic buildings, is a component of the broader concept of sustainability and should be considered in that context.

Takings

Derives from a provision in the Fifth Amendment that states that private property shall not “be taken for public use, without just compensation.” Some courts have suggested that, in exceptional cases, the effect of the historic designations could be so economically severe as to amount to a taking.